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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM — INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1952–53 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

The terms and conditions of 1952–53 Commodity Credit Corporation Wheat and Wheat-Flour Export Program (F. R. Doc. 52-6887, 17 F. R. 5625) are amended to include the following section:

§ 571.239 *Restriction on use of U. S. Government funds.* In connection with any sales of wheat or flour for recording against the 1951–52 and the 1952–53 guaranteed quantities:

(a) The foreign purchaser must not use funds made available by the United States to carry out the provisions of the Mutual Security Act of 1951 which were appropriated under Title 3 of the Act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes, or funds allocated from any appropriations to the Director of Mutual Security, or the Mutual Security Agency, or the Department of State, to pay for such wheat or flour, and any such funds must not be used to pay for wheat or flour under any subsequent resale. If any such funds are used by the foreign purchaser or any subsequent purchaser to pay for wheat or flour, and the exporter has received a payment on such wheat or flour hereunder, the exporter shall refund such payment to the CCC.

(b) If wheat or flour is exported to a country which has obtained any funds referred in paragraph (a) of this section which could be used for the purchase of wheat or flour, the exporter must have submitted to the Vice President, a certified statement by an authorized representative of the Government agency of such country having control over the allocation of such funds that such funds have not been used and will not be used by the foreign purchaser to pay for wheat or flour purchased under the Wheat Agreement and that such funds have not been used and will not be used to pay for such wheat or flour under any subsequent resale of the wheat or flour.

(Pub. Law 547, 82d Cong.)

Dated this 22d day of July 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-8173; Filed, July 24, 1952; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (Special Program 52)-1, Supp. 2]

PART 707—FARM LAND RESTORATION PROGRAM

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act and the Flood Rehabilitation Act, 1952, the 1952 Farm Land Restoration Program, issued October 25, 1951 (16 F. R. 11045), as amended February 4, 1952 (17 F. R. 1171), is further amended as follows:

1. Section 707.122 is amended by adding paragraph (f) as follows:

§ 707.122 *Deduction.* * * *

(f) Notwithstanding other provisions of this subpart, if the producer to whom materials were furnished is unable, due to reasons beyond his control, to use them to carry out prior to January 1, 1953, the practice for which the materials were furnished, he may be relieved of the deduction for the materials upon determination by the county committee that the materials were used not later than December 31, 1953, in performing the practice for which the materials were furnished.

2. Section 707.153 (a) is amended by adding Adams, Clay, and Sarpy Counties

(Continued on p. 6809)

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

to the list of eligible counties in Nebraska.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q; Pub. Law 202, 82d Cong.)

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8171; Filed, July 24, 1952; 8:57 a. m.]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER TOBACCO MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

Correction

In F. R. Doc. 52-8008, appearing at page 6681 of the issue for Tuesday, July 22, 1952, the word "Relocation" in the headnote for § 723.480 should be "Reallocation", so that the headnote now reads:

§ 723.480 *Reallocation of allotments released from farms removed from agricultural production.*

[1023 (Burley and Flue-53)-3, Supp. 1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, BURLEY AND FLUE-CURED TOBACCO 1953–54 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 725.417 of the Burley and flue-cured tobacco marketing quota regulations, 1953–54 marketing year, relating to determination of Burley and flue-cured tobacco acreage allotments for old farms, pursuant to Public Law 528, 82d Congress. In view of the fact that this amendment merely incorporates the provisions of said Public Law 528, it is hereby found and determined that notice and public procedure thereon provided for in the Administrative Procedure Act (5 U. S. C. 1003) are unnecessary.

The marketing quota regulations, Burley and flue-cured tobacco, 1953–54 marketing year, are amended by deleting § 725.417 and inserting in lieu thereof the following:

§ 725.417 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.416 shall be adjusted uniformly so that the total of such allotments for old farms pursuant to § 725.418 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1952 allotment, (b) seven-tenths of an acre, or (c) 25 percent of the cropland in the farm: *Provided further*, That no 1952 allotment of one acre or less shall be reduced more than one-tenth of an acre.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; Pub. Law 528, 7 U. S. C. 1313; 82d Cong.)

Done at Washington, D. C., this 22d day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8172; Filed, July 24, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 950—PEACHES GROWN IN UTAH

REGULATION BY GRADES AND SIZES

§ 950.302 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 26, 1952. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 7, 1952, recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on July 7, 1952, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 17, 1952; shipments of the current crop of such peaches are expected to begin on or about August 4, 1952, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 26, 1952, and ending at 12:01 a. m., m. s. t., October 10, 1952, no handler shall ship:

(i) Any peaches which do not grade at least U. S. No. 1; and

(ii) Are of a size not smaller than 2 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or (*b*) if the peaches in such lot are shipped in peach boxes (inside dimensions) 4½–5" x 11½" x 16⅛") and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 78 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box; or (*c*) if the peaches in such lot are shipped in L. A. lugs (inside dimensions 4½–5¾" x 13½" x 16⅛") and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 90 peaches in a L. A. lug, except that the tolerance for variations incident to proper packing, provided in such pack specification, shall not permit a variation

of more than 4 peaches in any such L. A. lug.

(2) *Definitions.* As used in this section, "peaches," "handler," and "ship" shall have the same meaning as when used in the aforesaid marketing agreement and order; "U. S. No. 1," "diameter," "count," and "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8258; Filed, July 24, 1952; 9:12 a. m.]

[Lemon Reg. 444, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.551 (Lemon Regulation 444, 17 F. R. 6625) are hereby amended to read as follows:

(ii) District 2, 700 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of July 1952.

[SEAL] S. R. SMITH
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8257; Filed, July 24, 1952; 9:12 a. m.]

PART 979—IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

RECODIFICATION

In accordance with the revised Federal Register Regulations (1 CFR Part 1), the format of the order (Order No. 79, 7 CFR Part 979) of the Secretary of Agriculture, regulating the handling of Irish potatoes grown in the Eastern South Dakota production area (including the requisite findings set forth therein), and the format of the South Dakota Potato Committee's rules and regulations (7 CFR Part 979) adopted pursuant thereto with the approval of the Secretary of Agriculture, are recodified as set forth below. To facilitate cross reference between the aforesaid order and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the provisions of Marketing Agreement No. 103 shall be renumbered and the section headings redesignated to conform to the recodified order. The supplementary provisions of the said marketing agreement shall be renumbered as follows: §§ 979.79 *Counterparts;* 979.80 *Order with marketing agreement;* 979.81 *Record of Irish Potatoes handled and authorization to correct typographical errors;* 979.82 *Effective date.*

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the aforesaid order of the Secretary, the aforesaid marketing agreement, and the aforesaid rules and regulations of the South Dakota Potato Committee.

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

SUBPART—ORDER RELATIVE TO HANDLING

FINDINGS AND DETERMINATIONS

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AUTHORITY: §§ 979.0 to 979.105 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

SUBPART—ORDER RELATIVE TO HANDLING

SOURCE: §§ 979.0 to 979.78 contained in Order No. 79, 13 F. R. 1994.

FINDINGS AND DETERMINATIONS

§ 979.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Watertown, South Dakota, on June 19–20, 1947, upon a proposed marketing agreement and a proposed order regulating the handling of Irish potatoes grown in Eastern South Dakota production area. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the dif-

ference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified in this subpart would not effectively carry out the declared policy of the act; and

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (i) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumption demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement, upon which the public hearing at Watertown, South Dakota, was held on June 19–20, has been executed by handlers who handled not less than 50 percent of the commodity covered by this order, and

(2) The issuance of this order is favored and approved by producers of Irish potatoes who, during the determined representative period (July 1, 1946 to June 30, 1947, both dates inclusive), produced for market within the production area at least two-thirds of the Irish potatoes produced for market within such area.

Order relative to handling. It is, therefore, ordered, pursuant to the findings and determinations set forth in § 979.0 of this subpart and pursuant to the aforesaid act, that such handling of Irish potatoes produced in the counties of Codington, Clark, Hamlin, Deuel, Brown, Day, and Kingsbury in the State of South Dakota, as is in the current of commerce between any of said counties and any point outside the State of South Dakota, or so as directly to burden, obstruct, or affect such commerce, shall, from and after the time specified in this subpart be in conformity to and in compliance with the terms and conditions of this order.

DEFINITIONS

§ 979.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or member of the United States Department of Agriculture, who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 979.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 979.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

§ 979.4 *Production area.* "Production area" means the counties of Codington, Clark, Hamlin, Deuel, Brown, Day and Kingsbury in the State of South Dakota.

§ 979.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown in the production area.

§ 979.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form, whether of his own production or other.

§ 979.7 *Ship or handle.* "Ship" or "handle" means to transport, sell, or in any other manner place potatoes in the current of interstate commerce or so as directed to burden, obstruct, or affect such commerce.

§ 979.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 979.9 *Fiscal year.* "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

§ 979.10 *Committee.* "Committee" means the South Dakota Potato Committee established pursuant to § 979.20.

§ 979.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 979.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, by the State of South Dakota Seed Certification Board or its legal successors.

§ 979.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

ADMINISTRATIVE COMMITTEE

§ 979.20 *Establishment and membership.* A South Dakota Potato Committee, consisting of seven producer members, is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

§ 979.21 *Initial committee.* The initial members and alternates of committee shall be selected by the Secretary for a term of office ending on June 30, 1948, and until their successors are selected and qualified. Such members and alternates may be selected by the Secretary from lists of nominees supplied by producer groups or associations operating in and representative of producers in the production area.

§ 979.22 *Term of office.* The term of office of members and alternates of the Committee shall begin on the first day of July or the date of qualification, whichever is later, and continue until the end of the then current fiscal year and until their successors are selected and have qualified.

§ 979.23 *Nominations.* Except for initial members and alternates of the committee, nominations for membership may be determined by:

(a) *Assembled meetings.* Elections may be conducted in assembled meetings of producers in each district to determine nominees for such district. Such election shall be conducted under the supervision of a chairman and a secretary designated by the committee in accordance with the provisions of Roberts' Rules of Order; or

(b) *Mail voting.* Selection of nominees may be effected by the producers of each district by written ballot forwarded or presented to the teller designated by the committee. Each ballot form shall have printed thereon the date on which such ballot must be in the hands of the teller to be counted and ballots received after such date shall not be counted. Ballots not presented to the teller in person by the voter must be enclosed in an envelope with the voter's name and address indicated thereon. The notice of election attached to such ballot form may contain a list or lists of candidates sponsored for election by a group or groups of producers.

(c) *Method.* The committee shall determine the most desirable and convenient method, aforesaid, of electing nominees for each district, thereafter appointing indicated officials to conduct such elections. Such committee determinations shall be conveyed to interested producers by means of newspaper stories, mail, or such other means of communication deemed adequate by the committee. Nominees shall be elected, through use of forms provided by the committee, by June 10th of each year and lists thereof certified by appropriate election officials (either chairman and secretary or teller depending on the method of election) shall be forwarded via the committee to the Secretary by June 15th of each year.

(d) *Voting.* Each producer shall be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as such producer, which vote can not be cumulated for any one nominee. A producer qualifying thereas in more than one district shall elect the district in which he chooses to exercise his voting rights.

§ 979.24 *Districts.* The production area is divided into four districts, identified, described and with nominee representation as follows:

District Number, Description, and Nominees

1. Codington and Deuel Counties: 4 for members, 4 for alternates.

2. Clark County: 6 for members, 6 for alternates.
3. Hamlin and Kingsbury Counties: 2 for members, 2 for alternates.
4. Brown and Day Counties: 2 for members, 2 for alternates.

§ 979.25 *Selection and qualification of members.* (a) Except for the initial committee, the Secretary shall select two members and two alternates from nominees submitted from District No. 1, three members and three alternates from the nominees submitted by District No. 2, and one member and one alternate from the nominees submitted by each of the remaining Districts.

(b) If nominations are not supplied to the Secretary within the time and in the manner specified in § 979.23, the Secretary may, without regard to nominations, select the members and alternates of the committee, which selection shall be on the basis of the representation provided in this subpart.

(c) Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 979.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary. Such selections, if made, shall be on the basis of substitute representation for the producers of the District involved.

§ 979.27 *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office or to a trustee designated by the Secretary and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such member pursuant to this subpart: *Provided,* That the provisions of this subpart shall apply to alternate members in possession of funds, property, books or records, or participating in the receipt or disbursement of funds.

§ 979.28 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 979.29 *Procedure.* (a) Four members of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held all votes shall be cast in person: *Provided, further,* That the committee shall hold an annual assembled meeting during the last two weeks of March in each year, the exact time, place and date to be determined by the committee.

§ 979.30 *Members' expenses and compensation.* The members of the committee and their respective alternates, when acting as members, may be reimbursed for expenses necessarily incurred by them in performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day or portion thereof, spent in attendance at meetings of the committee.

§ 979.31 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms.

(b) To make rules and regulations to effectuate the terms and provisions of this subpart.

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart.

(d) To recommend to the Secretary amendments to this subpart.

§ 979.32 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary.

(c) To investigate the growing, shipping and marketing conditions with respect to potatoes and to assemble data in connection therewith.

(d) To furnish to the Secretary such available information as he may request.

(e) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable.

(f) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon.

(g) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart, and a copy of each such report shall be furnished to the Secretary.

(h) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of each such person.

(i) To confer with other Marketing Agreement and Order Committees in other States and areas.

EXPENSES AND ASSESSMENTS

§ 979.35 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions of this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in this subpart.

§ 979.36 *Assessment.* (a) Each handler who first handles potatoes which are regulated, shall, with respect to the potatoes so handled by him pay to the committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such assessment share shall be due and payable when the committee bills the handler therefor. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers, as the first handlers thereof during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(b) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 979.37 *Accounting.* (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such sums shall be paid to him.

(b) The committee may, with the approval of the Secretary maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

REGULATION

§ 979.40 *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

§ 979.41 *Recommendations for regulations.* (a) It shall be the duty of the committee to investigate the supply and

demand conditions for grade, size and quality of potatoes of all varieties. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grade, size and quality of potatoes of any or all varieties during any period, it shall recommend to the Secretary the particular grade, size and quality of any or all varieties thereof deemed advisable to be shipped during such period.

(b) In determining the grade, size, and quality of potatoes of all varieties deemed advisable to be regulated in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (1) Market prices including prices by grade, size and quality of potatoes of all varieties for which regulation is recommended; (2) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (3) available supply, quality, and condition of potatoes in the production area; (4) supplies from competitive areas and regions producing potatoes; (5) the trend and level of consumer income, and (6) other relevant factors.

§ 979.42 *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the shipment of potatoes to particular grade, size and quality of any or all varieties thereof would tend to effectuate the declared policy of the act, he shall so limit the shipments of potatoes during a specified period. Any specific regulation may be made applicable to any variety or varieties of potatoes, different regulations may be applied in any fiscal year to different varieties, and different regulations may be applied in any fiscal year to table stock potatoes, on the one hand, and to seed potatoes on the other hand. One or more varieties of either table stock or seed potatoes may be regulated in any fiscal year without regulation of the remaining varieties. The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

§ 979.43 *Limitation of regulations.* (a) Nothing contained in this subpart shall authorize any limitation of the shipment of potatoes for any of the following purposes:

(1) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies; (2) potatoes shipped for manufacturing or conversion into byproducts, except for manufacturing or conversion into specified products recommended by the committee for regulation and approved by the Secretary therefor; (3) potatoes shipped by the producer thereof from the point or place of production to the nearest customary grading, storing, or loading point for the purpose of having said potatoes graded, stored, or loaded for shipment; and (4) upon recommendation of the committee and approval of the Secretary, potatoes shipped for livestock feed or for other specified purposes. The Secretary shall give prompt notice to the committee of any approval issued by him under the provisions of this section.

(b) The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated in this section for entering the current of interstate commerce or directly burdening, obstructing, or affecting such commerce contrary to the provisions of this subpart, which safeguards shall include Federal-State inspection provided by § 979.50 and the payment of a pro rata share of expenses provided by § 979.36: *Provided*, That, such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections. The committee shall issue Certificates of Privilege for shipment of potatoes effected or to be effected under the provisions of this section and shall make a weekly report to the Secretary showing the number of certificates applied for, the number of bushels of potatoes covered by such applications, the number of certificates denied and granted, the number of bushels of potatoes shipped under duly issued certificates and such other information as may be requested by the Secretary. The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

REGULATION OF SURPLUS

§ 979.47 *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes or of any grade, size or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

§ 979.48 *Issuance of regulations.* (a) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof. Such control and disposition, in any fiscal year, may be applied, where the facts so warrant, either to table stock or to seed potatoes, or both: *Provided*, That different controls and dispositions may be utilized, in any fiscal year for table stock potatoes on the one hand, and seed potatoes, on the other hand, and for the various varieties of table stock and seed potatoes.

(b) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes. The Secretary may designate the committee as an agency to assist in and to effectuate the elimination or control of surplus potatoes under any governmental program.

INSPECTION

§ 979.50 *Inspection and certification.* During any period in which the Secretary has regulated the shipment of potatoes pursuant to this section, each handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, each handler shall submit to the committee a copy of the inspection certificate issued thereon.

EXEMPTIONS

§ 979.55 *Procedure.* The committee shall adopt and announce, subject to the approval of the Secretary, the procedural rules pursuant to which certificates of exemption will be issued to producers.

§ 979.56 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who furnishes adequate evidence to the said committee that by reason of a regulation issued pursuant to § 979.42 he will be prevented from having as large a proportion of potatoes shipped during the remainder of the shipping season, as the average of all producers. Such certificates of exemption shall grant an opportunity for such producer to have as large a proportion of his potatoes shipped as the average of all producers.

§ 979.57 *Appeal.* If any producer is dissatisfied with the certificate of exemption granted or denied to him pursuant to an application, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the issuance of the certificate of exemption or denial from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the certificate of exemption to be granted or the denial thereof. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 979.58 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedural rules and any exemptions granted or denied pursuant to §§ 979.55, 979.56, 979.57, or any combination thereof.

(b) Records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemptions.

EFFECTIVE TIME AND TERMINATION

§ 979.60 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force

until terminated in one of the ways specified in this subpart.

§ 979.61 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effected only if announced on or before June 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 979.62 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all funds and the property then in the possession of, or under control of the committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 979.63 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other persons with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ 979.70 *Reports.* Upon the request of the committee, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind requests for any reports pursuant to this section.

§ 979.71 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 979.72 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 979.73 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 979.74 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 979.75 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 979.76 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 979.77 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any persons, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 979.78 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

SUBPART—RULES AND REGULATIONS

SOURCE: §§ 979.100 to 979.105 appear at 13 F. R. 7429.

EXEMPTION CERTIFICATES

§ 979.100 *Application.* Any producer applying for exemption from grade or size regulation issued under this subpart shall make application for such exemption on forms to be furnished by the South Dakota Potato Committee. Such application shall state:

(a) The location of his farm;

(b) The quantity of potatoes on said farm; and location thereon of such potato field or fields or storage;

(c) The total estimated production of potatoes for the current season, stated in terms of varieties, hundredweights, and grades and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(d) An estimate of the percentage of such producers' crop which cannot be shipped because of grade, size and quality regulation then in effect, stated in terms of varieties, hundredweights, and grades and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(e) A statement of the amount, if any, of potatoes (not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes) which have already been sold from said farm, or by said applicant, during the current marketing season;

(f) Certification that the statement is true and correct;

(g) Signature and address of producer.

§ 979.101 *Federal-State Inspector's report.* (a) Each request filed by a producer with the South Dakota Potato Committee shall be accompanied by a report of a Federal-State Inspector, which shall contain the following:

(1) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him.

(2) A statement of the percentage of such crop which meets the required grade, size, and quality regulation then in effect.

(3) A statement of the defects or damage causing such crop to fail to meet such grade, size, and quality requirements.

(b) In determining percentages, the Federal-State Inspector shall include only grades and sizes of potatoes as defined in the U. S. Standards for Potatoes. In the event that more than one variety

of potatoes are involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, or the manager thereof, or any specifically authorized representative thereof, may make such investigations as are deemed necessary to determine whether the exemption requested should be granted.

§ 979.102 *Issuance of certificate.* (a) Whenever the committee finds and determines from proof satisfactory to the committee that the applicant is entitled to an exemption certificate, the committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the regulated grades, sizes, and qualities, or combinations thereof, of potatoes as will enable him to ship, or cause to be shipped, as large a percentage of his potatoes as the average percentage for all producers or, if regulation is by variety, the average percentage for all producers of the particular variety involved, as determined by the committee.

(b) The committee, or its duly authorized representative, may issue exemption certificates if the proof submitted by the applicant is satisfactory: *Provided*, That the committee, or its duly authorized representative, shall have first determined the grades, sizes, qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, and shall have determined the percentage that the quantity of a particular variety or varieties of potatoes grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

(c) If the committee, or its duly authorized representative determines that the applicant is not entitled to an exemption certificate he shall be so advised in writing and given the reasons therefor.

(d) Each certificate of exemption issued as provided in this section shall contain the producer's name and address; the location of his farm; the location of the field or storage with respect to which the exemption is granted; the particular grade, size, and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship potatoes which do not meet the requirements of the particular grade, size, and quality regulations.

(e) Each certificate of exemption shall be transferable, in whole or in part, with the potatoes in accordance with the amount of the potatoes transferred.

§ 979.103 *Reports and records.* (a) For the purpose of enabling the South Dakota Potato Committee to perform its functions, pursuant to the provisions of this subpart, each handler shall report shipments under exemption certificates to the committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee.

(b) A record of all applications for exemption received, exemption certificates issued, applications denied, and shipments made under exemption shall be kept by the committee and a record of all such transactions, if any, shall be reported weekly by the South Dakota Potato Committee, to the Secretary.

§ 979.104 *Appeal procedure.* If any producer is dissatisfied with the determination of the South Dakota Potato Committee regarding any application for exemption ceritficate, or any duly issued exemption certificate, an appeal by said producer may be filed with the committee. Such appeal must be taken promptly after the issuance of the exemption certificate or the denial from which the appeal is taken. Any producer filing an appeal may furnish information with his appeal additional to that submitted with his original application. The committee may request such additional information as it deems necessary for a determination on the appeal. The committee shall act promptly upon any producer's appeal and it shall notify the appellant promptly of its determination. A copy of each appeal and a statement of consideration involved in making the final determination with respect thereto shall be furnished in each instance to the Secretary.

§ 979.105 *Terms.* The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 103 and Order No. 79, and in the U. S. Standards for Potatoes (§ 51.366 of this title).

[F. R. Doc. 52-8174; Filed, July 24, 1952; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 21]

PART 61—SCHEDULED AIR CARRIER RULES

INSTRUMENT PROFICIENCY CHECKS OF STEEP TURNS

This supplement adds to § 61.112-5 (f) an example of conditions under which left turns undertaken as a part of instrument proficiency checks may be executed at an angle of less than forty-five degrees. No additional burden is imposed upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and therefore is not required.

Section 61.112-5 (f) is amended to read:

§ 61.112-5 *Proficiency requirements (CAA rules which apply to § 61.112).*

* * *

(f) *Steep turns.* Except as provided hereinafter, steep turns shall consist of at least forty-five degrees of bank. The turns shall be at least 180° of duration, but need not be more than 360°. Smooth control application, and ability to maneuver aircraft within prescribed limits, shall be the primary basis for judging performance. When information is available on the relation of increase of stall speeds vs. increase in angle of bank, such information shall be reviewed and discussed. As a guide, the tolerance of 100 feet plus or minus a given altitude shall be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observers' position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than thirty degrees.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, 49 U. S. C. 551)

This supplement shall become effective August 15, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8139; Filed, July 24, 1952; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 72]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.109 is amended to read:

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).* From the intersection of the northeast course of the Charleston, S. C., radio range and the southwest course of the Myrtle Beach, S. C., VHF radio range via the Myrtle Beach, S. C., VHF radio range station; Wilmington, N. C., VHF radio range station; New Bern, N. C., VHF radio range station; Williamston, N. C., VHF radio range station (excluding the portions between 11,000 feet and 16,000 feet and between 21,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C. night danger area); the intersection of the northeast course of the Williamston, N. C., VHF radio range and the southwest course of the Norfolk, Va., radio range; Norfolk, Va., radio range station; the intersection of a line bearing 18° True from the Nor-

folk, Va., radio range station and the southwest course of the Salisbury, Md., VHF radio range; Salisbury, Md., VHF radio range station; the intersection of the northeast course of the Salisbury, Md., VHF radio range and a line bearing 211° True from the Atlantic City, N. J. (Navy), radio range station; Atlantic City, N. J. (Navy), radio range station to the intersection of a line bearing 360° True from the Atlantic City, N. J. (Navy), radio range station and the northeast course of the Millville radio range, excluding the portion which overlaps danger areas. From the intersection of the south course of the Matawan, N. J., VHF radio range and the northeast course of the Millville, N. J., radio range via the Matawan, N. J., VHF radio range station, excluding that portion more than 2 miles either side of the south course of the Matawan, N. J., VHF radio range, to the intersection of the north course of the Matawan, N. J., VHF radio range and the east course of the Allentown, Pa., radio range.

2. Section 600.649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.)* is amended by changing the first portion to read: "From the intersection of the northeast course of Salisbury, Md., VHF radio range and the southeast course of the Philadelphia, Pa., radio range via the intersection of the southeast course of Philadelphia, Pa., radio range and the southeast course of Millville, N. J., radio range;"

3. Section 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.)* is amended by changing the first portion to read: "From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of a line bearing 192° True from the Norfolk, Va., radio range station and the northwest course of the Weeksville, N. C. (Coast Guard), radio range to the Norfolk, Va., radio range station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C, 452)

This amendment shall become effective 0001, e. s. t., July 23, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8138; Filed, July 23, 1952; 9:08 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5793]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DEJAY STORES, INC.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1490 *Nature, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1995 *Job guarantee and employment:* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Vendor:* § 3.2425 *Nature, in general.* In connection with the use in commerce of double reply postcards, letters or any other printed or written material of a substantially similar nature, (1) using the name "Personnel Management Bureau", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is engaged in operating a personnel management bureau or employment or placement agency; (2) using the name "Dejay Service Company", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is connected with or in the business of transporting or delivering goods or packages to the proper recipient thereof; (3) using postcards, form letters or other material which represents, directly or by implication, that respondent's business is other than that of retailing merchandise; (4) representing, directly or by implication, that persons concerning whom information is sought through respondent's post cards or other material are, or may be, consignees of goods or packages, c. o. d., prepaid or otherwise, in the hands of respondent or that the information sought through such means is for the purpose of enabling respondent to make delivery of goods or packages to such persons; or, (5) using letters, whether printed, typewritten or in simulated handwriting, for the purpose of obtaining the current addresses of delinquent customers, which represent that any person, firm or corporation other than respondent, or respondent's store from which the customer purchased the merchandise on which the debt is owing, has a letter for delivery to such delinquent customer when his current address is furnished; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dejay Stores, Inc., New York, N. Y., Docket 5793, April 10, 1952]

In the Matter of Dejay Stores, Inc., a Corporation

This proceeding was first heard by Henry P. Alden, trial examiner, therefore duly designated by the Commission, prior to said examiner's retirement from the Government service on May 31, 1951, upon the Commission's complaint, respondent's answer, and a hearing at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced, and following which the proceeding was formally closed by said examiner.

Thereafter, following the designation, on June 6, 1951, of Frank Hier as trial examiner in place and stead of said Henry P. Alden, the proceeding regularly came on for final consideration by said substituted trial examiner on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel and proposed order presented by counsel in support of the allegations of the complaint, and said substituted examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter the matter was disposed of by the Commission's "order denying respondent's appeal from initial decision of the hearing examiner, decision of the Commission and order to file report of compliance", Docket 5793, April 10, 1952 as follows:

This matter came on to be heard by the Commission upon the respondent's appeal from the initial decision of the hearing examiner herein and upon briefs and oral argument of counsel in support of and in opposition to said appeal.

Respondent makes two contentions in its brief. First, that the form letter presently used by the respondent in its attempt to obtain information as to the current addresses of delinquent debtors does not constitute false, misleading, or deceptive statements or representations and that, therefore, the use of such form letter does not constitute unfair or deceptive acts or practices. Second, that because the respondent voluntarily ceased using certain forms it previously used, no order against their use is warranted. Specific exception is taken to paragraphs 8 and 9 of the findings as to the facts; to paragraphs 1 and 2 of the conclusions; and to the order in the initial decision.

The hearing examiner's findings to which specific exception is taken are to the effect that the form letter presently used by the respondent in its efforts to obtain information as to the addresses of delinquent debtors, and the circumstances surrounding its use, are misleading and deceptive to the recipient of such form letter, and that the respondent itself recognizes such letter as a subterfuge and a decoy. The form letter presently used by the respondent is in simulated handwriting and is signed by "J. King." The letter contains the statements, "I understand that you are a friend of _____. I have an important letter for _____ so please let me have the correct address." When the local manager of one of respondent's retail stores is unable to locate a delinquent customer, he sends to the respondent's New York office a "Decoy Request." Respondent then sends the above-described form letter to references furnished by the delinquent customer at the time credit was obtained. There is nothing in the letter to indicate its real purpose or that the sender is in any way connected with the respondent. The only letter the respondent has for the delinquent debtor is one which respondent has sent to the delinquent debtor and which has been returned. These and other facts in the record fully support the hearing examiner's findings that the letter and the circumstances surrounding its use are deceptive and misleading to the recipient and that the respondent

[1] Filed as part of the original document.

recognizes said letter as a subterfuge and decoy.

Respondent does not except to the hearing examiner's findings to the effect that the forms previously used by the respondent contained false, deceptive, and misleading representations, but does except to his conclusion that respondent's voluntary cessation of the use of such forms "was neither permanent nor complete nor was it in good faith, since the same practice for the same purpose and with the same effect, although milder in form and reduced from sheer falsity to the level of 'misleading and deceptive', has been and is being carried on by it through its use of the letter described in paragraph 6 of the * * * Findings as to the Facts. The public interest requires that this continuing, although less vicious course of conduct, be stopped." The Commission agrees with this conclusion. The respondent did not cease the practice at which the complaint was directed, but merely changed the manner in which it engaged in the practice.

The Commission is of the opinion that all of the findings as to the facts contained in the initial decision are supported by reliable, probative, and substantial evidence in the record; that the conclusions contained therein are correct; and that the order to cease and desist is proper upon this record and is required to provide proper relief from respondent's unfair and deceptive acts and practices.

The Commission, therefore, being of the opinion that the respondent's appeal is without merit and that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

It is ordered, That the respondent's appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner, a copy of which is attached,[1] shall, on the 10th day of April 1952, become the decision of the Commission.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondent Dejay Stores, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of double reply postal cards, letters, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the name "Personnel Management Bureau", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is engaged in operating a personnel management bureau or employment or placement agency.

2. Using the name "Dejay Service Company", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is connected with or in the business of transporting or delivering goods or packages to the proper recipient thereof.

3. Using post cards, form letters or other material which represents, directly or by implication, that respondent's business is other than that of retailing merchandise.

4. Representing, directly or by implication, that persons concerning whom information is sought through respondent's post cards or other material are, or may be, consignees of goods or packages, C. O. D., prepaid or otherwise, in the hands of respondent or that the information sought through such means is for the purpose of enabling respondent to make delivery of goods or packages to such person.

5. Using letters, whether printed, typewritten or in simulated handwriting, for the purpose of obtaining the current addresses of delinquent customers, which represent that any person, firm or corporation other than respondent, or respondent's store from which the customer purchased the merchandise on which the debt is owing, has a letter for delivery to such delinquent customer when his current address is furnished.

Issued: April 10, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-8169; Filed, July 24, 1952; 8:56 a. m.]

[1] Filed as part of the original document.

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL COACHING SERVICE INSTITUTE, INC., ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1425 *Government connection;* § 3.1450 *Individual or private business as educational, religious or research institution:* § 3.1520 *Personnel or staff: Goods:* § 3.1670 *Jobs and employment:* § 3.1740 *Scientific or other relevant facts.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1995 *Job guarantee and employment.* Subpart—*Using misleading name—Vendor:* § 3.2410 *Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution in commerce, of respondents' courses of study and instruction (1) using the word "Institute" or any simulation thereof as a part of respondents' corporate or trade names; or otherwise representing, directly or by implication, that respondents' school is a resident institution of higher learning; or, (2) representing, directly or by implication, (a) that respondents' school has any connection with the United States Civil Service or any other agency of the United States Government; (b) that respondents' sales agents are representatives or employees of the United States Civil Service or have any connection therewith; (c) that the completion of respondents' courses of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions; (d) that respondents have any power or authority to hold open for any person any position in the United States Civil Service; (e) that it is necessary that persons seeking Civil Service positions take respondents' courses of study in order to qualify for or obtain such positions; (f) that the examinations given by respondents are examinations for specific positions in the Civil Service; (g) that all persons completing respondents' courses and passing Civil Service examinations will obtain positions immediately or within a short time; (h) that positions obtained in the United States Civil Service will be at or near the place of residence of the employee; (i) that Civil Service positions requiring certain physical, mental or educational qualifications or veterans' status may be obtained by persons not meeting such requirement; or, (j) that the United States Civil Service Commission is looking to or relying upon respondents to locate persons to fill positions in the Civil Service; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Coaching Service Institute, Inc., et al., Denver, Colo., Docket 5876, April 21, 1952]

In the Matter of National Coaching Service Institute, Inc., a Corporation, and Archie K. Babson, Individually and as an Officer of National Coaching Service Institute, Inc., and Also Doing Business as National Service Institute and Career Institute

This proceeding was heard by William L. Pack, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondents' answer and a hearing at which a stipulation of facts, duly filed in the office of the Commission, was entered into by counsel supporting the complaint and counsel for respondents and incorporated in the record.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, and stipulation (which had been approved by said examiner), counsel having elected not to submit proposed findings and conclusions for consideration by said examiner or to argue the matter orally, and said examiner, having duly considered the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner

as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 21, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, National Coaching Service Institute, Inc., a corporation, and its officers, and Archie K. Babson, individually and as an officer of said corporation and also doing business under the names National Service Institute and Career Institute, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' courses of study and instruction, do forthwith cease and desist from:

1. Using the word "Institute" or any simulation thereof as a part of respondents' corporate or trade names; or otherwise representing, directly or by implication, that respondents' school is a resident institution of higher learning.

2. Representing, directly or by implication:

(a) That respondents' school has any connection with the United States Civil Service or any other agency of the United States Government.

(b) That respondents' sales agents are representatives or employees of the United States Civil Service or have any connection therewith.

(c) That the completion of respondents' courses of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions.

(d) That respondents have any power or authority to hold open for any person any position in the United States Civil Service.

(e) That it is necessary that persons seeking Civil Service positions take respondents' courses of study in order to qualify for or obtain such positions.

(f) That the examinations given by respondents are examinations for specific positions in the Civil Service.

(g) That all persons completing respondents' courses and passing Civil Service examinations will obtain positions immediately or within a short time.

(h) That positions obtained in the United States Civil Service will be at or near the place of residence of the employee.

(i) That Civil Service positions requiring certain physical, mental or educational qualifications or veterans' status may be obtained by persons not meeting such requirements.

(j) That the United States Civil Service Commission is looking to or relying upon respondents to locate persons to fill positions in the Civil Service.

By "Decision of the Commission and order to file report of compliance", Docket 5876, April 21, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 21, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-8170; Filed, July 24, 1952; 8:57 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DRUGS AND DEVICES; DIRECTIONS FOR USE; EXEMPTION FROM PRESCRIPTION REQUIREMENTS; FINAL ORDER

By virtue of the authority vested in the Federal Security Administrator by the provisions of sections 502 (f), 503 (b), and 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1051, 1055; 65 Stat. 648; 21 U. S. C. 352 (f), 353 (b), 371 (a)), and after having considered all written comments filed with respect to the notice of proposed rule making published in the FEDERAL REGISTER on February 5, 1952 (17 F. R. 1130), the following regulations are promulgated.

1. Section 1.106 is revoked and a new § 1.106 is added to read as follows:

§ 1.106 *Drugs and devices; directions for use*—(a) *Adequate directions for use.* "Adequate directions for use" means directions under which the layman can use a drug or device safely and for the purposes for which it is intended. Directions for use may be inadequate because (among other reasons) of omission, in whole or in part, or incorrect specification of:

(1) Statements of all conditions, purposes, or uses for which such drug or device is intended, including conditions, purposes, or uses for which it is prescribed, recommended, or suggested in its oral, written, printed, or graphic advertising, and conditions, purposes, or uses for which the drug or device is commonly used; except that such statements shall not refer to conditions, uses, or purposes for which the drug or device can be safely used only under the supervision of a practitioner licensed by law and for which it is advertised solely to such practitioner.

(2) Quantity of dose (including usual quantities for each of the uses for which it is intended and usual quantities for persons of different ages and different physical conditions).

(3) Frequency of administration or application.

(4) Duration of administration or application.

(5) Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factors).

(6) Route or method of administration or application.

(7) Preparation for use (shaking, dilution, adjustment of temperature, or other manipulation or process).

(b) *Exemption for prescription drugs.* A drug subject to the requirements of section 503 (b) (1) of the act, as amended by 65 Stat. 648, shall be exempt from section 502 (f) (1) if all the following conditions are met:

(1) The drug is:

(i) In the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs; or

(ii) In the possession of a retail, hospital, or clinic pharmacy, or a public health agency, regularly and lawfully engaged in dispensing prescription drugs;

and is to be dispensed in accordance with section 503 (b), as amended.

(2) The label of the drug bears:

(i) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) If it is fabricated from two or more ingredients and is not designated conspicuously by a name recognized in an official compendium, the quantity or proportion of each active ingredient, and if it is not for oral use the names of all other ingredients.

Provided, however, That the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed, and, in the case of ampuls too small or otherwise unable to accommodate a label but which are packaged in a container from which they are withdrawn for dispensing or use, the information referred to in subdivision (i) of this subparagraph may be placed on the outside container only.

(3) The labeling of the drug (which may include brochures readily available to licensed practitioners) bears information as to the use of the drug by practitioners licensed by law to administer it: *Provided, however*, That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among practitioners licensed by law to administer the drug.

(c) *Exemption for veterinary drugs.* A drug intended solely for veterinary use which, because of toxicity or other potentiality for harmful effect, or the method of its use, is not safe for animal use except under the supervision of a licensed veterinarian, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is in the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of veterinary drugs and is to be sold only to or on the prescription or other order of a licensed veterinarian for use in the course of his professional practice.

(2) The label of a drug bears:

(i) The statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) The quantity or proportion of each active ingredient if it is fabricated from two or more ingredients and is not designated conspicuously by a name recognized in an official compendium.

Provided, however, That the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed.

(3) The labeling of the drug (which may include brochures readily available to licensed veterinarians) bears information as to use of the drug by licensed veterinarians: *Provided, however,* That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among veterinarians licensed by law to administer such drug.

(d) *Exemption for prescription devices.* A device which, because of any potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe except under the supervision of a practitioner licensed by law to direct the use of such device, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The device is in the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such device and is to be sold only to or on the prescription or other order of such practitioner for use in the course of his professional practice.

(2) The label of the device (other than surgical instruments) bears:

(i) The statement "Caution: Federal law restricts this device to sale by or on the order of a _____," the blank to be filled with the word "physician," "dentist," "veterinarian," or with the descriptive designation of any other practitioner licensed by the law of the State in which he practices to use or order the use of the device; and

(ii) The method of its application or use.

(3) The labeling of the device (which may include brochures readily available to licensed practitioners) bears information as to the use of the device by practitioners licensed by law to use it or direct its use: *Provided, however,* That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among practitioners licensed by law to use or order the use of such device.

(e) *Exemptions for drugs and devices shipped directly to licensed practitioners, hospitals, clinics, or public-health agencies for professional use.* Except as provided in paragraph (g) of this section, a drug or device shipped directly to or in the possession of a practitioner licensed by law to administer the drug or to use or direct the use of the device, or shipped directly to or in the possession of a hospital, clinic, or public-health agency, for use in the course of the professional practice of such a licensed practitioner, shall be exempt from section 502 (f) (1) of the act if it meets the conditions of paragraphs (b) (2) and (3), (c) (2) and (3), or (d) (2) and (3) of this section.

(f) *Retail exemption for veterinary drugs and prescription devices.* A drug or device subject to paragraph (c) or (d) of this section shall be exempt at the time of delivery to the ultimate purchaser or user from section 502 (f) (1) of the act if it is delivered by a licensed practitioner in the course of his professional practice or upon a prescription or other order lawfully issued in the course of his professional practice, with labeling bearing the name and address of such licensed practitioner and the directions for use and cautionary statements, if any, contained in such order.

(g) *Exemption for new drugs.* A new drug shall be exempt from section 502 (f) (1) of the act:

(1) To the extent to which such exemption is claimed in an effective application with respect to such drug under section 505 of the act; or

(2) If no application under section 505 of the act is effective with respect to such drug but it complies with section 505 (i) and regulations thereunder.

No exemption shall apply to any other drug which would be a new drug if its labeling bore representations for its intended uses.

(h) *Exemption for drugs or devices when directions are commonly known.* A drug or device shall be exempt from section 502 (f) (1) of the act insofar as adequate directions for common uses thereof are known to the ordinary individual.

(i) *Exemptions for inactive ingredients.* A harmless drug that is ordinarily used as an inactive ingredient, such as a coloring, emulsifier, excipient, flavoring, lubricant, preservative, or solvent, in the preparation of other drugs shall be exempt from section 502 (f) (1) of the act. This exemption shall not apply to any substance intended for a use which results in the preparation of a new drug, unless an effective new-drug application provides for such use.

(j) *Exemption for diagnostic reagents.* A drug intended solely for use in the professional diagnosis of disease and which is generally recognized by qualified experts as useful for that purpose shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Diagnostic reagent—For professional use only."

(k) *Exemption for prescription chemicals and other prescription components.* A drug prepared, packaged, and primarily sold as a prescription chemical or other component for use by registered pharmacists in compounding prescriptions or for dispensing in dosage unit form upon prescriptions shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is an official liquid acid or official liquid alkali, or is not a liquid solution, emulsion, suspension, tablet, capsule, or other dosage unit form; and

(2) The label of the drug bears:

(i) The statement "For prescription compounding"; and

(ii) If in substantially all dosage forms in which it may be dispensed it is subject to section 503 (b) (1) of the act, the statement "Caution: Federal law prohibits dispensing without prescription"; or

(iii) If it is not subject to section 503 (b) (1) of the act and is by custom among retail pharmacists sold in or from the interstate package for use by consumers, "adequate directions for use" in the conditions for which it is so sold.

Provided, however, That the information referred to in subdivision (iii) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed.

(3) This exemption shall not apply to any substance intended for use in compounding which results in a new drug, unless an effective new-drug application covers such use of the drug in compounding prescriptions.

(l) *Exemption for processing, repacking, or manufacture.* A drug in a bulk package (except tablets, capsules, or other dosage unit forms) or a device intended for processing, repacking, or use in the manufacture of another drug or device shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Caution: For manufacturing, processing, or repacking"; and, if in substantially all dosage forms in which it may be dispensed it is subject to section 503 (b) (1), the statement "Caution: Federal law prohibits dispensing without prescription." This exemption and the exemption under paragraph (k) of this section may be claimed for the same article. But the exemption shall not apply to a substance intended for a use in manufacture, processing, or repacking which causes the finished article to be a new drug, unless:

(1) An effective new-drug application held by the person preparing the dosage form or drug for dispensing covers the production and delivery to him of such substance; or

(2) If no application is effective with respect to such new drug, the label statement "Caution: For manufacturing, processing, or repacking" is immediately supplemented by the words "in the preparation of a new drug limited by Federal law to investigational use," and the delivery is made for use only in the manufacture of such new drug limited to investigational use as provided in § 1.114.

(m) *Exemption for drugs and devices for use in teaching, research, and analysis.* A drug or device subject to paragraph (b), (c), or (d) of this section shall be exempt from section 502 (f) (1) of the act if shipped or sold to, or in the

possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use, or engaged in research not involving clinical use, or in chemical analysis, or physical testing, and is to be used only for such instruction, research, analysis, or testing.

(n) *Expiration of exemptions.* (1) If a shipment or delivery, or any part thereof, of a drug or device which is exempt under the regulations in this section is made to a person in whose possession the article is not exempt, or is made for any purpose other than those specified, such exemption shall expire, with respect to such shipment or delivery or part thereof, at the beginning of that shipment or delivery. The causing of an exemption to expire shall be considered an act which results in such drug or device being misbranded unless it is disposed of under circumstances in which it ceases to be a drug or device.

(2) The exemptions conferred by paragraphs (i), (j), (k), (l), and (m) of this section shall continue until the drugs or devices are used for the purposes for which they are exempted, or until they are relabeled to comply with section 502 (f) (1) of the act. If, however, the drug is converted, compounded, or manufactured into a dosage form limited to prescription dispensing, no exemption shall thereafter apply to the article unless the dosage form is labeled as required by section 503 (b) and paragraph (b), (c), or (d) of this section.

(o) *Intended uses.* The words "intended uses" or words of similar import in paragraphs (a), (g), (i), (j), (k), and (l) of this section refer to the objective intent of the persons legally responsible for the labeling of drugs and devices. The intent is determined by such persons' expressions or may be shown by the circumstances surrounding the distribution of the article. This objective intent may, for example, be shown by labeling claims, advertising matter, or oral or written statements by such persons or their representatives. It may be shown by the circumstances that the article is, with the knowledge of such persons or their representatives, offered and used for a purpose for which it is neither labeled nor advertised. The intended uses of an article may change after it has been introduced into interstate commerce by its manufacturer. If, for example, a packer, distributor, or seller intends an article for different uses than those intended by the person from whom he received the drug, such packer, distributor, or seller is required to supply adequate labeling in accordance with the new intended uses. But if a manufacturer knows, or has knowledge of facts that would give him notice, that a drug or device introduced into interstate commerce by him is to be used for conditions, purposes, or uses other than the ones for which he offers it, he is required to provide adequate labeling for such a drug which accords with such other uses to which the article is to be put.

2. A new § 1.108 is added, to read as follows:

§ 1.108 *Exemption from prescription requirements.* The prescription-dispensing requirements of section 503 (b) (1) (A) of the act are not necessary for the protection of the public health with respect to the following drugs subject to section 502 (d):

(a) Exempt narcotic preparations described in 26 CFR 151.2 and sold as required by 26 CFR 151.180 through 151.185a.

(b) Drugs containing chlorobutanol, intended for external use only.

(c) Epinephrine solution, 1 percent, preserved with chlorobutanol and intended for use solely as a spray.

(d) Drugs containing one or more of the derivatives of barbituric acid and in addition a sufficient quantity or proportion of another drug or drugs to prevent the ingestion of a sufficient amount of barbiturate derivative to cause a hypnotic or somnifacient effect.

Effective date. These regulations shall be effective upon the date of publication of this final order in the FEDERAL REGISTER except the requirements of § 1.106 (b) (2) (ii), (iii), and (iv), (c) (2), and (k) (2) (iii), which shall be effective on August 1, 1953. Action taken in reliance upon the tentative regulations after April 26, 1952, and before this final order issued will be regarded as in compliance with the law.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply secs. 502, 503, 52 Stat. 1050, 1051; 21 U. S. C. 352, 353)

Dated: July 22, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-8156; Filed, July 24, 1952; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5921; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEFINITION OF PERSONNEL HOLDING COMPANY; PERSONAL HOLDING COMPANY INCOME

On March 14, 1952, notice of proposed rule making with respect to amendments to conform Regulations 111 to Public Law 680 (81st Cong., 2d Sess.), approved August 9, 1950, relating to definition of personal holding company, and to section 223 of the Revenue Act of 1950 (81st Cong., 2d Sess.), approved September 23, 1950, relating to personal holding company income, was published in the FEDERAL REGISTER (17 F. R. 2231). No objection to the rules proposed having been received, the amendments of Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.501–1 the following:

PUBLIC LAW 680 (EIGHTY-FIRST CONGRESS, SECOND SESSION), APPROVED AUGUST 9, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 (b) (6) of the Internal Revenue Code is amended to read as follows:

(6) (A) A licensed personal finance company under State supervision, 80 per centum or more of the gross income of which is lawful interest received from loans made to individuals in accordance with the provisions of applicable State law if at least 60 per centum of such gross income is lawful interest (i) received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and (ii) not payable in advance or compounded and computed only on unpaid balances, and if the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount; and

(B) A lending company, not otherwise excepted by section 501 (b), authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business, 80 per centum or more of the gross income of which is lawful interest, discount or other authorized charges (i) received from loans maturing in not more than thirty-six months made to individuals in accordance with the provisions of applicable State law, and (ii) which do not, in the case of any individual loan, exceed in the aggregate an amount equal to simple interest at the rate of 3 per centum per month not payable in advance and computed only on unpaid balances, if at least 60 per centum of the gross income is lawful interest, discount or other authorized charges received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and if the deductions allowed to such company under section 23 (a) (relating to expenses), other than for compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2)) constitute 15 per centum or more of its gross income, and the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount.

SEC. 2. That section 501 (b) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

(8) A finance company, actively and regularly engaged in the business of purchasing or discounting accounts or notes receivable or installment obligations, or making loans secured by any of the foregoing or by tangible personal property, at least 80 per centum of the gross income of which is derived from such business in accordance with the provisions of applicable State law or does not constitute personal holding company income as defined in section 502, if 60 per centum of the gross income is derived from one or more of the following classes of transactions:

(A) Purchasing or discounting accounts or notes receivable, or installment obligations evidenced or secured by contracts of conditional sale, chattel mortgages, or chattel lease agreements, arising out of the sale of goods or services in the course of the transferor's trade or business;

(B) Making loans, maturing in not more than thirty-six months, to, and for the busi-

ness purposes of, persons engaged in trade or business, secured by—

(i) Accounts or notes receivable, or installment obligations, described in subparagraph (a) above;

(ii) Warehouse receipts, bills of lading, trust receipts, chattel mortgages, bailments, or factor's liens, covering or evidencing the borrower's inventories;

(iii) A chattel mortgage on property used in the borrower's trade or business;

except loans to any single borrower which for more than ninety days in the taxable year of the company exceed 15 per centum of the average funds employed by the company during such taxable year;

(C) Making loans, in accordance with the provisions of applicable State law, secured by chattel mortgages on tangible personal property, the original amount of each of which is not less than the limit referred to in, or prescribed by, subsection (b) (6) (A) (i), and the aggregate principal amount of which owing by any one borrower to the company at any time during the taxable year of the company does not exceed $5,000; and

(D) If 30 per centum or more of the gross income of the company is derived from one or more of the classes of transactions described in subparagraphs (A), (B) and (C) of this paragraph, purchasing, discounting, or lending upon the security of, installment obligations of individuals where the transferor or borrower acquired such obligations either in transactions of the classes described in subparagraphs (A) and (C) of this paragraph or as a result of loans made by such transferor or borrower in accordance with the provisions of clauses (i) and (ii) of paragraph 6 (A) or of clauses (i) and (ii) of paragraph 6 (B) of this subsection, if the funds so supplied at all times bear an agreed ratio to the unpaid balance of the assigned installment obligations, and documents evidencing such obligations are held by the company;

Provided, That the deductions allowable under subsection 23 (a) (relating to expenses), other than compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2)), constitute 15 per centum or more of the gross income, and that loans to a person who is a shareholder in such company during such taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by members of his family as defined in section 503 (a) (2)) outstanding at any time during such year do not exceed $5,000 in principal amount.

PAR. 2. Section 29.501–1 is amended as follows:

(A) By striking therefrom the first sentence of paragraph (b) and inserting in lieu thereof the following:

(b) Section 501 (b) provides that the term "personal holding company" does not include corporations exempt from taxation under section 101, a bank as defined in section 104, a life insurance company, a surety company, a foreign personal holding company as defined in section 331, and a loan or investment corporation as defined in section 501 (b) (7). For taxable years ending on or before August 9, 1950, such term also does not include a licensed personal finance company, as defined in section 501 (b) (6) prior to amendment by Public Law 680, 81st Congress, 2d Session, approved August 9, 1950. For taxable years ending after August 9, 1950, the term "personal holding company" does not include a licensed personal finance company as defined in section 501 (b) (6) (A), a lending company as defined in section 501 (b) (6) (B), or a finance company (whether or not previously classified as a personal holding company) as defined in section 501 (b) (8).

(B) By striking from paragraph (b) the words "such a corporation" (appearing in the sentence beginning "If, for any prior taxable year") and inserting in lieu thereof "a loan or investment corporation as defined in section 501 (b) (7)".

PAR. 3. There is inserted immediately preceding § 29.502–1 the following:

SEC. 223. PERSONAL HOLDING COMPANY INCOME (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950)

Section 502 (f) of the Internal Revenue Code (relating to use of corporation property by a shareholder) shall not apply with respect to rents received during taxable years ending after December 31, 1945, and before January 1, 1950, if such rents were received for the use by the lessee, in the operation of a bona fide commercial, industrial, or mining enterprise, of property of the taxpayer.

PAR. 4. Section 29.502–1 (i) is hereby amended by adding at the end thereof the following new sentence: "See also section 223 of the Revenue Act of 1950, which provides that section 502 (f) shall not apply to rents received during taxable years ending after December 31, 1945, and before January 1, 1950, if such rents were received for the use by the lessee, in the operation of a bona fide commercial, industrial, or mining enterprise, of property of the corporation."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: July 21, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–8158; Filed, July 24, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order No. 12, Amdt. 1]

DMO 12—ESTABLISHING POSITION OF ASSISTANT TO DIRECTOR FOR HOUSING AND COMMUNITY FACILITIES

AMENDING RESPONSIBILITIES OF POSITION

(1) Defense Mobilization Order No. 12 issued by this office under date of November 27, 1951, establishing the position of Assistant to the Director for Housing and Community Facilities is hereby revised to provide that paragraph 3 read as follows:

3. Be responsible, on behalf of the Director, for the general supervision and coordination of actions to implement certification under the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Congress) and the Housing and Rent Act of 1947, as amended by the Defense Production Act Amendments of 1951 (Public Law 96, 82d Congress).

(2) This amendment is in accordance with the provisions of Defense Mobilization Order No. 20 issued by this office under date of July 25, 1952.

(3) This amendment shall take effect on July 25, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52–8268; Filed, July 24, 1952; 10:48 a. m.]

[Defense Mobilization Order No. 20]

DMO 20—ESTABLISHING REVISED PROCEDURES FOR THE DESIGNATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREAS

Pursuant to the authority vested in me by Executive Order No. 10193 of December 16, 1950, Executive Order No. 10296 of October 2, 1951, Section 203 of the Defense Production Amendments of 1952, and pursuant to the Housing and Rent Act of 1947, as amended, it is hereby ordered as follows:

A. *Establishment of Defense Areas Advisory Committee.* In accordance with the Defense Production Act Amendments of 1952 there is hereby created in the Office of Defense Mobilization a Defense Areas Advisory Committee which shall consist of representatives of the Department of Defense, the Housing and Home Finance Agency, and the Office of Rent Stabilization. The Administrator of the Economic Stabilization Agency, or his representative, shall serve as Chairman.

It shall be the responsibility of the Defense Areas Advisory Committee to review, for the Director of Defense Mobilization, the recommendations which are developed pursuant to this order for critical defense housing area certifications under the Housing and Rent Act of 1947, as amended, and the Defense Housing and Community Facilities and Services Act of 1951, as amended. The Committee shall also review compliance with the criteria in these laws to determine that the conditions for certification have been met.

The joint memorandum of the Secretary of Defense and the Director of Defense Mobilization of September 18, 1951, addressed to the Administrator of the Defense Production Administration, is hereby rescinded and the Advisory Committee on Defense Areas, which was authorized by that memorandum, is abolished.

Paragraph No. 3 of Defense Mobilization Order No. 12[1] is hereby amended to read:

3. Be responsible, on behalf of the Director, for the general supervision and coordination of actions to implement certifications under the Defense Housing and Community Facilities and Services Act of 1951, as amended, and the Housing and Rent Act of 1947, as amended.

[1] See DMO 12, Amdt. 1, *supra*.

B. *Procedure for recommendations under Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139).* It shall be the responsibility of the Administrator of the Housing and Home Finance Agency to make recommendations to the Defense Areas Advisory Committee for the designation of critical defense housing areas under the provisions of section 101 of the Defense Housing and Community Facilities and Services Act of 1951, as amended. In carrying out this responsibility the Administrator of the Housing and Home Finance Agency, for each area under consideration, shall:

(1) Secure from the appropriate defense agencies information and recommendations necessary to determine whether the area does or does not contain defense-connected activities.

(2) Secure from the Bureau of Employment Security of the Department of Labor, or from the Department of Defense, or both, information and judgments necessary to a determination on in-migration of defense workers or military personnel.

(3) Make the necessary studies of the present and prospective housing supply in the area.

(4) Assemble and analyze the information provided by the several agencies and determine, in the light of all the facts and their interrelations, whether or not the conditions contained in Section 101 for designation of a critical defense housing area have been met.

(5) Prepare a written summary of findings, including a description of the area to be affected, for each case recommended.

It shall be the responsibility of the Defense Production Administration, the National Production Authority, the Defense Minerals Exploration Administration, the Department of Defense and other defense agencies to provide the Administrator of the Housing and Home Finance Agency, upon his request, with information and recommendations regarding the defense connection of installations or activities in the area under consideration.

It shall be the responsibility of the Bureau of Employment Security of the Department of Labor to provide the Administrator of the Housing and Home Finance Agency, upon his request, with information and judgments regarding the in-migration of industrial defense workers for each area under consideration.

It shall be the responsibility of the Department of Defense to provide the Administrator of the Housing and Home Finance Agency, upon his request, with information and judgments regarding the in-migration of military personnel for each area under consideration. The Department of Defense shall also provide the Administrator of the Housing and Home Finance Agency with such information as it possesses concerning housing conditions in and around military posts or installations.

It shall be the responsibility of the Federal Security Agency to make surveys of and to provide the Housing and Home Finance Agency with information and judgments regarding the need for community facilities under its jurisdiction in connection with areas under consideration and to initiate consideration of areas where a shortage of community facilities is the principal problem.

C. *Procedure for recommendations under the Housing and Rent Act of 1947, as amended (Pub. Law 96).* It shall be the responsibility of the Director of Rent Stabilization to make recommendations to the Defense Areas Advisory Committee for the certification of critical defense housing areas under the provisions of Section 204 (1) of the Housing and Rent Act of 1947, as amended, except that the Department of Defense may initiate certification of those relatively small or isolated communities where the military activity or an activity directly related to the military program is the sole or principal activity in the area. In carrying out this responsibility the Director of Rent Stabilization (or the Department of Defense in the case of small or isolated military areas) shall:

(1) Secure from the Administrator of the Housing and Home Finance Agency information and judgments with respect to defense installations or activities, in-migration and housing shortage.

(2) Notify the Administrator of the Housing and Home Finance Agency of any areas where the need for certification under Public Law 96 appears to be urgent. For all such areas, the Administrator of the Housing and Home Finance Agency shall give the highest priority to assembling the necessary information and judgments and shall transmit them at the earliest possible date to the Director of Rent Stabilization (or to the Department of Defense for small or isolated military areas).

(3) Make such studies of past, present, and prospective rent levels as are necessary to determine whether excessive rent increases have occurred or are threatened in the area.

(4) Organize and analyze the information and judgments regarding rent increases in the light of the information assembled by the Housing and Home Finance Agency on defense installations or activities, in-migration and housing supply, and determine whether the conditions for designation as a critical defense housing area under Public Law 96 have been met.

(5) Prepare a written summary of findings, including a description of the area to be affected, for each case recommended.

It shall be the responsibility of the Department of Defense to provide the Director of Rent Stabilization with such information as it may have regarding rent problems experienced by military personnel and civilian employees in and around military posts or installations in the area under consideration.

D. *Participation of Regional Defense Mobilization Committees.* In carrying out the purposes of this Order, the Administrator of the Housing and Home Finance Agency and the Director of Rent Stabilization may consult with and receive information, advice and views from the Regional Defense Mobilization Committees, through the Central Coordinating Committee, concerning problems arising in connection with critical defense housing area certifications.

This order shall take effect on July 25, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

With respect to the procedure established by this order under the Housing and Rent Act of 1947, as amended, the Secretary of Defense hereby concurs.

ROBERT A. LOVETT,
Secretary of Defense.

[F. R. Doc. 52-8269; Filed, July 24, 1952; 10:48 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 135, Supplementary Regulation 2]

CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

SR 2—INTERIM RELIEF FOR MILWAUKEE BREAD BAKERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 2 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

Data presented to this office indicate that bread bakers in the Milwaukee area are now experiencing substantial hardship under their CPR 135 ceiling prices. Preliminary studies show that cost increases in this area have been such as to reduce earnings of bread bakers in this area below the minimum level to which such bakers would be entitled under an adaptation of the industry earnings standard for application on an area basis.

This office is considering the issuance of an area adjustment regulation which would set forth in detail the standards and procedures under which area relief would be granted to bread bakers in circumstances such as obtain in Milwaukee. On the basis of available data, however, the need for relief in Milwaukee is so urgent, that relief cannot be held in abeyance until such time as final decisions are reached with respect to the issuance of the area adjustment regulation. Accordingly, this supplementary regulation is being issued to grant an interim adjustment to these bread bakers of an amount which data now available clearly show to be required. It does so by increasing the CPR 135 ceiling price for the 1½ lb. loaf of white pan bread by one cent. The 1½ lb. loaf is by far the most important item sold by these bread bakers and accounts for about 80 percent of their sales. When additional data is received and further consideration has been given to procedures for such area adjustments, any further adjustments which may then appear appropriate will be made.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the provisions of this

supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable requirements of that Act.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices.
3. Applicability of CPR 135.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* (a) This regulation establishes bakers' ceiling prices for sales in the "Milwaukee Area" of any item listed in this regulation.

(b) "Milwaukee Area" means the following counties in the state of Wisconsin: Fond du Lac, Sheboygan, Dodge, Washington, Ozaukee, Jefferson, Waukesha, Milwaukee, Racine, Kenosha, Walworth and Rock.

SEC. 2. *Ceiling prices.* If you are a baker selling an item listed in Table A in the Milwaukee Area you may adjust your CPR 135 ceiling prices for such sales by the amount listed in the same table.

TABLE A—ADJUSTMENT OF CPR 135 CEILING PRICES

Item	*Amount of Adjustment*
1½ lb. white pan loaf	Increase CPR 135 ceiling prices by $.01

SEC. 3. *Applicability of CPR 135.* All provisions of CPR 135 which are not inconsistent with the provisions of this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation becomes effective July 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 24, 1952.

[F. R. Doc. 52-8270; Filed, July 24, 1952; 11:36 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1828]

Subchapter A—Alaska

PART 78—SURVEYS

Subchapter L—Mineral Lands

PART 185—GENERAL MINING REGULATIONS

Parts 78 and 185 are amended, as indicated below. The revised §§ 78.8 and 185.40 provide for additional copies of the plat and field notes which will be furnished to the patentee with his mineral patent. The revised § 185.51 requires the claimant to pay the cost of preparing the copies. The purpose of the new § 185.104 is to shorten land descriptions in patents hereafter issued for certain kinds of mining claims.

1. Section 78.8 is amended to read:

§ 78.8 *Plats and field notes of mineral surveys.* (a) The Office Cadastral Engineer, Public Survey Office, Juneau, Alaska, will make an estimate of the costs of the platting of the claim or claims and of the other office work, including the preparation of the copies of the plat and field notes to be furnished the claimant. The claimant will deposit the estimated amount with that office to be passed to the fund created by "deposits by individuals for surveying public lands".

(b) Upon approval of plats of Alaskan mineral surveys by the Office Cadastral Engineer, four copies thereof will be prepared in the public survey office by photostat, blueprint, or such other process as may be available. The original plat and field notes will be retained in the public survey office; one copy of the plat will be given the claimant for posting upon the claim and two copies of the plat and of the field notes will be given the claimant for filing with the proper manager, to be finally transmitted by that officer, with the other papers in the case, to the Office of the Director, Bureau of Land Management, Washington 25, D. C. One copy of the plat will be sent by the Office Cadastral Engineer to the manager of the proper land district to be retained in his files for future reference. When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

(R. S. 2478; 43 U. S. C. 1201)

2. Section 185.40 is amended to read:

§ 185.40 *Plats and field notes of mineral surveys.* As to plats of survey of mining claims outside of the Territory of Alaska, the regional cadastral engineer will have four copies made, which copies with the original plat, will be filed and disposed of as follows: The original plat and field notes to be retained in the public survey office; one copy of the plat to be given the claimant for posting upon the claim; two copies of the plat and two copies of the field notes to be given the claimant for filing with the proper manager, to be finally transmitted by that officer, with the other papers in the case, to the Office of the Director, Bureau of Land Management, Washington 25, D. C.; and one copy to be sent by the regional cadastral engineer to the manager of the proper land district, to be retained in his files for future reference. When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

(R. S. 2478; 43 U. S. C. 1201)

3. Section 185.51 is amended to read:

§ 185.51 *Payment of charges of the public survey office.* With regard to the platting of the claim and other office work in the public survey office, including the preparation of the copies of the plat and field notes to be furnished the claimant, that office will make an estimate of the cost thereof, which amount the claimant will deposit with it to be passed to the credit of the fund created by "Deposits by Individuals for Surveying Public Lands."

(R. S. 2478; 43 U. S. C. 1201)

4. The following new text is added:

PATENTS FOR MINING CLAIMS

§ 185.104 *Land descriptions in patents.* The land description in a patent for a lode mining claim, for a millsite, or for a placer claim not consisting of legal subdivisions, shall hereafter consist of the names and survey numbers of the claims being patented and those being excluded, or of the names of the excluded claims if they are unsurveyed, or of the legal subdivisions of excluded land covered by homestead or other nonmineral entry. The land description shall refer to the field notes of survey and the plat thereof for a more particular description and the patent shall expressly make them a part thereof. Where shown by the mineral entry the patent shall give the actual or approximate legal subdivision, section, township and range, the name of the county and of the mining district, if any, wherein the claims are situated. A copy of the plat and field notes of each mineral survey patented will be furnished to the patentee.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 18, 1952.

[F. R. Doc. 52-8142; Filed, July 24, 1952; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 856]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH AN AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and reserved for the use of the Department of the Air Force in connection with an air force base:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 6 E.,
Sec. 29, SW¼;
Sec. 32, N½.

The areas described aggregate 480 acres.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 21, 1952.

[F. R. Doc. 52-8140; Filed, July 24, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF CHESAPEAKE BAY BRIDGE BY COMMON AND CONTRACT MOTOR CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of July A. D. 1952.

The Commission has received inquiries regarding the use of the Chesapeake Bay Bridge by common and contract motor carriers subject to the Interstate Commerce Act.

The Chesapeake Bay Bridge is a recently built modern bridge crossing the Chesapeake Bay between Sandy Point, Md., and a point on the Eastern Shore of Maryland, north of Matapeake, Md., and will be accessible from newly constructed approaches to the bridge.

Upon the opening of the bridge to traffic, scheduled for the latter part of July 1952, the Sandy Point-Matapeake Ferry will discontinue its ferry service between Sandy Point and Matapeake, and there will be no other available crossing of the Chesapeake Bay in this vicinity other than by the Chesapeake Bay Bridge. In view of the discontinuance of the ferry service across the bay, it appears that the use of the Chesapeake Bay Bridge by common and contract motor carriers subject to the Interstate Commerce Act who are authorized to engage in operations across the Chesapeake Bay over presently located U. S. Highway 50 and the Sandy Point-Matapeake Ferry between Sandy Point and Matapeake, Md., will be required by public convenience and necessity in the case of common carriers, and will be consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act in the case of contract carriers: *It is ordered*, That:

§ 211.3 *Use of Chesapeake Bay Bridge by motor carriers subject to the act.* (a) Common and contract motor carriers subject to the Interstate Commerce Act who are authorized to engage in operations across the Chesapeake Bay over presently located U. S. Highway 50 and the Sandy Point-Matapeake Ferry may, without obtaining prior authority therefor, use the Chesapeake Bay Bridge and such additional highways as may be required in traveling via the shortest practicable route between the authorized highways and the Bridge in performing their authorized operations.

(b) This permission to use the Chesapeake Bay Bridge by common and contract motor carriers does not authorize such carriers to serve new points or points they are not now authorized to serve and they will continue to furnish reasonable and adequate service at points on the old routes which they are authorized to serve.

(c) Motor carriers whose authority is limited to operations not requiring the crossing of the bay at the points abovenamed, but who desire to use the Bridge as an alternate or connecting route in performing their authorized service, must apply for such authority on Form BMC 78 (§ 7.78 of this title) and receive authority before using the Bridge.

(d) If a motor carrier is authorized to operate between points both west and east of the Chesapeake Bay, over irregular routes, no specific authority is required from this Commission to use the Chesapeake Bay Bridge in performing the authorized service.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8150; Filed, July 24, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 405]

COLLECTION OF INCOME TAX AT SOURCE ON WAGES

RECEIPTS FOR TAX WITHHELD ON WAGES PAID AFTER DEC. 31, 1950

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form as set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 3791 (53 Stat. 178, 467; 26 U. S. C. 1429, 3791) and section 1627 of the Internal Revenue Code (57 Stat. 138; 26 U. S. C. 1627).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

Regulations 116 are hereby amended as follows:

PARAGRAPH 1. Section 405.501 (b), as amended by Treasury Decision 5828, approved January 22, 1951, is further amended to read as follows:

(b) *Wages paid after December 31, 1950.* With respect to wages paid on or after January 1, 1951, every person required to deduct and withhold from an employee a tax under section 1622, or who would have been required to deduct and withhold a tax under section 1622 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such person to such employee during the calendar year, the original and duplicate of a statement on Form W-2 showing the following: (1) The name and address of such person, (2) the name and address of the employee, and, if wages as defined in section 1426 (a) have been paid, his social security account number, (3) the total amount of wages as defined in section 1621 (a), (4) the total amount deducted and withheld as tax under section 1622, (5) the total amount of wages as defined in section 1426 (a), and (6) the total amount deducted and withheld as tax under section 1400 (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year).

For example, if the table method of withholding is used, a withholding statement must be furnished each employee whose wages during any payroll period are equal to or in excess of the smallest wage for which tax must be withheld from employees claiming one exemption. If the percentage computation method is used, a withholding statement must be furnished each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 1622 (b) (1).

If (i) the amount of tax deducted under section 1400 in the calendar year from the wages as defined in section 1426 (a) paid during such year was less or greater than the tax imposed by section 1400 on such wages by reason of the adjustment in such year of an overcollection or undercollection of the tax in any prior year, or (ii) regardless of the reason for the error or the method of its correction, the amount of wages as defined in section 1426 (a) or tax under section 1400 entered on a statement furnished to the employee for a prior year was incorrect, a corrected statement for such prior year reflecting the adjustment or the correct data shall be furnished to the employee.

Likewise, a corrected statement on Form W–2 shall be furnished the employee with respect to a prior calendar year (*a*) if the amount of wages as defined in section 1621 (a) entered on a statement furnished to the employee for such prior year is incorrect, or (*b*) if the amount deducted and withheld as tax under section 1622 is less or greater than the amount entered on the statement furnished the employee for such prior year.

The statement on Form W–2 for the calendar year and the corrected statement for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made.

See the applicable regulations under the Federal Insurance Contributions Act for the requirement as to the furnishing of a statement in cases where such statement is required solely by reason of the tax under section 1400 of such act. Also see such regulations with respect to adjustments of that tax.

PAR. 2. Section 405.601, as amended by Treasury Decision 5828, is further amended as follows:

(A) By changing the third sentence of the first paragraph to read as follows: "For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the endorsement by a designated commercial bank or by a Federal Reserve bank made on the reverse side of Form 450."

(B) By striking "or if the employer has no principal place of business in the United States" from the penultimate sentence of the first paragraph and inserting in lieu thereof the following: "or, if the employer has no principal place of business in a collection district of the United States,".

[F. R. Doc. 52–8157; Filed, July 24, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 319]

VIRGIN ISLANDS

FOREIGN QUARANTINE NOTICES

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160, and 162), is considering amending the subpart Citrus Canker and Other Citrus Diseases; the subpart Citrus Fruit; the subpart Sweetpotatoes and Yams; the subpart Nursery Stock, Plants, and Seeds; the subpart Fruits and Vegetables; and the subpart Cut Flowers; in Part 319, Title 7, Code of Federal Regulations (7 CFR 319.19, 319.28, 319.29, 319.37, et seq., 319.56 et seq. and 319.74 et seq.) in the following respects:

It is proposed to:

1. Amend §§ 319.19 and 319.28 by deleting therefrom the phrase "the continental United States, Puerto Rico and Hawaii" wherever it appears and substituting therefor the phrase "the United States"; and by adding a new paragraph designated as (e) to § 319.19 and as a new undesignated paragraph at the end of § 319.28 to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

2. Amend § 319.29 by inserting after the word "importation" the phrase "into the United States"; and by deleting the last sentence in the section and substituting therfor the following: "As used in this section unless the context otherwise requires, the term "United States means the continental United States only."

3. Amend § 319.37 by deleting therefrom the phrase "(including the District of Columbia) and its Territories," and the phrase "(including the District of Columbia) or its Territories," and by adding to the section a new paragraph (c) to read as follows:

(c) As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

4. Amend § 319.37–24 by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory, or District of the United States covered by § 319.37"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

5. Amend the subpart Nursery Stock, Plants, and Seeds by adding thereto a new § 319.37–28 to read as follows:

§ 319.37–28 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

6. Amend § 319.56 by adding thereto a new undesignated paragraph to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

7. Amend § 319.56–2 by inserting after the third undesignated paragraph thereof a new undesignated paragraph to read as follows:

Fruits and vegetables grown in the British Virgin Islands may be imported into the Virgin Islands of the United States without further permit other than the authorization contained in this paragraph but subject to the requirements of the first paragraph of this section, and of §§ 319.56–5, 319.56–6 and 319.56–7, except that such fruits and vegetables are exempted from the notice of arrival requirements of § 319.56–5 when an inspector shall find that equivalent information is obtainable from the United States Collector of Customs.

8. Amend the subpart Fruits and Vegetables by adding thereto a new § 319.56–8 to read as follows:

§ 319.56–8 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

9. Amend § 319.74 by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States"; and by adding a new undesignated paragraph to the section to read as follows:

As used in this section, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

10. Amend § 319.74–2 (c) by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory or District of the United States covered by § 319.74"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

11. Amend the subpart Cut Flowers by adding thereto a new § 319.74–7 to read as follows:

§ 319.74–7 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands of the Unilted States.

12. Amend § 319.74–2a by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States."

The aforesaid proposed amendments would correlate the quarantines, regulations, and administrative instructions set forth in the above mentioned subparts with a current extension of plant quarantine operations to the Virgin Islands of the United States as authorized by the Plant Quarantine Act. A public hearing with respect to this matter was held in Washington, D. C., on March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1205).

Any person who desires to submit written data, views, or arguments in connection with the proposed amendments, should file them with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 5, 7, and 9, 37 Stat. 316, 317, 319, as amended; 7 U. S. C. 159, 160, 162)

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8136; Filed, July 24, 1952; 8:45 a. m.]

[7 CFR Part 324]

MOLLUSKS

NOTICE OF PROPOSED REGULATIONS GOVERNING ENTRY

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to Public Law 152, 82d Congress (65 Stat. 335, 7 U. S. C. Sup. 441), approved September 22, 1951, is considering the adoption of regulations, to appear in Part 324 of Chapter III, Title 7 of the Code of Federal Regulations, as follows:

PART 324—MOLLUSKS

Sec.
324.1 Definitions.
324.2 Mollusk infestation in Guam.
324.3 Inspection.
324.4 Treatment.
324.5 Entry of mollusks; permits required.
324.6 Restrictions on issuance of permits.
324.7 Permit procedure.
324.8 Mollusks entered for scientific purposes.

AUTHORITY: §§ 324.1 to 324.8 issued under Pub. Law 152, 82d Cong.; 65 Stat. 335, 7 U. S. C. Sup. 441.

§ 324.1 *Definitions.* Words used in the singular form in the regulations in this part shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this part, the following words shall be construed, respectively, to mean:

(a) *Chief of Bureau.* The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Bureau.* The Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act (7 U. S. C. 151 et seq.).

(d) *Person.* Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other organized group of any of the foregoing.

(e) *Owner.* The owner or the person having responsible custody of a carrier or other regulated article subject to the regulations in this part.

(f) *Mollusk.* All living stages, including eggs, of the giant African snail or other species of terrestrial or fresh-water forms of the phylum Mollusca.

(g) *United States.* The 48 States, the District of Columbia, the Canal Zone, and the United States possessions, including but not limited to the Territory of Hawaii and other Territories of the United States, but excluding Guam.

(h) *Carrier.* Any vessel, vehicle, aircraft, or other kind of conveyance entering any part of the United States.

(i) *Regulated article.* Any produce, baggage, salvaged war material or other goods entering any part of the United States.

(j) *Permit.* An authorization allowing the entry into the United States of certain mollusks in accordance with the regulations in this part.

(k) *Treatment.* Fumigation or any other process designed to eliminate infestation by the giant African snail or any other mollusk prohibited entry under the regulations in this part.

§ 324.2 *Mollusk infestation in Guam.* The Secretary of Agriculture finds that Guam is infested with the giant African snail. Therefore, the entry of mollusks, carriers, and other regulated articles from Guam into any part of the United States is subject to the same conditions as are applicable to the entry thereof from foreign countries.

§ 324.3 *Inspection.* As a condition of entry into any part of the United States, all carriers and other regulated articles from any foreign country or Guam shall be subject to examination by an inspector for the purpose of determining whether they are infested with the giant African snail or any other mollusk prohibited entry under the regulations in this part.

§ 324.4 *Treatment.* (a) A carrier or other regulated article found upon examination to be infested with the giant African snail or other species of mollusk prohibited entry under the regulations in this part shall be promptly removed from the United States or shall be promptly treated by the owner or his agent in a manner prescribed by the inspector and under his supervision. Pending such action, the carrier or other regulated article shall be immediately subject to such safeguards against escape of the mollusks as the inspector may prescribe.

(b) All costs or charges incident to the inspection, handling, cleaning, safeguarding, or treatment of an infested carrier or other regulated article, except for the services of the inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner or his agent. Neither the Department of Agriculture nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, wharfage, cartage, labor, chemicals, or the like incidental to such inspection, handling, cleaning, safeguarding, or treatment.

(c) If the treatment or safeguards prescribed by the inspector are not applied promptly by the owner or his agent, the inspector shall apply measures necessary to prevent the escape of the mollusks. The entire cost of such application shall be borne by the owner or his agent and shall constitute a debt payable to the Treasurer of the United States.

§ 324.5 *Entry of mollusks; permits required.* Entry into the United States of any species of mollusk from any foreign country or Guam is prohibited, except under permit issued by the Chief of Bureau or authorized official of the United States Public Health Service, and in compliance with such safeguards as may be prescribed in connection with the issuance of such permit.

§ 324.6 *Restrictions on issuance of permits.* Except as provided in § 324.8, permits will not be issued for the entry of the giant African snail, Achatina fulica (Bowdich), or any other species of Achatina; Theba pisana (Muller); any species of slug; or any other species of mollusk determined by the Chief of Bureau to be similar to the giant African snail in its destructiveness to plant life. Permits will also be refused for the entry of other species of mollusks unless it is determined by the Chief of Bureau that the particular shipment will be entered and subsequently handled under such safeguards as he deems necessary to prevent injury to the agriculture of the United States.

§ 324.7 *Permit procedure.* Any person desiring to enter any mollusks into the United States may submit to the Chief of Bureau an application for permit stating the name and address of the importer, the approximate quantity and species (scientific name) it is desired to enter, the country of origin, the port of entry, the purpose of the entry, and the place where and conditions under which the mollusks will be handled. If available, an empty shell of the species to be entered should accompany the application, for purposes of identification. In considering such applications, the Chief of Bureau will confer with other interested agencies, which may include the Division of Mollusks, United States National Museum; United States Public Health Service, Federal Security Agency; and state plant pest officials, in determining the eligibility for entry of the species covered by the applications. Upon determination that a particular species is eligible for entry under § 324.6 or § 324.8, a permit will be issued by the Chief of Bureau specifying the conditions of entry and the port of entry, except that if the species is subject to regulation by the United States Public Health Service, the application for permit will be referred to said agency for such action as it finds is warranted under its regulations.

§ 324.8 *Mollusks entered for scientific purposes.* Mollusks not otherwise eligible for entry under § 324.6 may be entered into the United States for scientific purposes under permit issued by either the Chief of Bureau or by an authorized official of the United States Public Health Service, under such safeguards and restrictions as may be prescribed in connection with the issuance of such permit after review of each individual application for such permit.

The purpose of the proposed regulations is to prevent importations into noninfested parts of the United States of

terrestrial and fresh-water mollusks which would be injurious to agriculture. This objective would be accomplished under the proposed regulations by requiring permits for the entry of all terrestrial and fresh-water mollusks and providing for the inspection, treatment, and safeguarding of carriers and other regulated articles coming from a foreign country or from Guam to any other part of the United States. In administering the regulations recognition would be given to such interests as the United States Public Health Service may have in the entry of certain mollusks, particularly snails that are known to be carriers of human diseases. This Service has regulations (sec. 71.156 of Public Health Service Manual of Laws and Regulations; 42 CFR 71.156) governing the entry of etiological agents and vectors of human diseases that apply to mollusks affecting human health.

Any person who desires to submit written data, views, or arguments concerning the proposed regulations should file them with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8137; Filed, July 24, 1952; 8:45 a. m.]

Production and Marketing Administration

[7 CFR Part 928]

[AO-227-A1]

HANDLING OF MILK IN NEOSHO VALLEY, OKLAHOMA, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

EDITORIAL NOTE: In Federal Register Document 52-7952, appearing at page 6671 of the issue for Saturday, July 19, 1952, the following changes should be made:

1. "Part 906" should be deleted from the bracket headnote so that the headnote reads as set forth above.

2. In the second paragraph the words "and the Tulsa, Oklahoma, marketing area" should be deleted.

3. In proposal 2, references to §§ 906.22, 906.51 and 906.52 should appear as §§ 928.22, 928.51 and 928.52, respectively.

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

TRANS-PACIFIC FREIGHT CONFERENCE AND JAPAN-ATLANTIC COAST FREIGHT CONFERENCE

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Trans-Pacific Freight Conference: Agreement No. 150-5, between the member lines of the above named Conference, modifies the basic agreement of said Conference (No. 150)-(a) by revising the provision covering breach of the agreement; (b) by revising the withdrawal provision to require 60 days notice instead of the present 90 days notice; (c) to provide for the deposit of $25,000 U. S. Government bonds, or U. S. currency, or surety bond of like amount, instead of the present sum of ¥25,000 Japanese Government bonds, or cash, or other bonds, to guarantee faithful performance of the terms of the agreement; (d) to provide that Conference decisions shall be by two-thirds vote instead of three-fourths vote as presently provided; (e) by including a provision covering an admission fee of $1,000; (f) by clarifying and/or rearranging various provisions of the basic Conference agreement; and (g) to include a number of other provisions relating to the internal functioning of the Conference.

Japan-Atlantic Coast Freight Conference: Agreement No. 3103-6, between the member lines of the above named Conference, modifies the basic agreement of said Conference (No. 3103); (a) by changing the name of the Conference to "Japan-Atlantic and Gulf Freight Conference"; (b) by clarifying and/or rearranging the various provisions of the basic Conference agreement; (c) by including a provision covering an admission fee of $1,000; (d) to provide for the deposit, with the Conference, of the sum of $25,000 in U. S. Government bonds or U. S. currency, or surety bond of like amount, by each member, to guarantee faithful performance of the terms of the agreement, and (e) to include a number of other provisions relating to the internal functioning of the Conference.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 21, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-8153; Filed, July 24, 1952; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ARIZONA

FILING OBJECTIONS TO THE ORDER WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH AN AIR FORCE BASE[1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 21, 1952.

[F. R. Doc. 52-8141; Filed, July 24, 1952; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5546]

DELTA AIR LINES, INC. AND CHICAGO & SOUTHERN AIRLINES, INC.; DELTA-CHICAGO & SOUTHERN MERGER CASE

NOTICE OF HEARING

In the matter of the joint application of Delta Air Lines, Inc. and Chicago & Southern Airlines, Inc., for approval, under sections 408, 401 (i) and any other applicable sections of the Civil Aeronautics Act of 1938, as amended, of an agreement of merger.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (i) and 408 thereof, the above-entitled proceeding is assigned for hearing on August 11, 1952, at 10:00 a. m., d. s. t., in Room 5859 of the Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Without limiting the scope of the issues presented by the pleadings in this proceeding, particular attention will be directed to whether the merger of the two companies and the transfer of the certificates of public convenience and necessity now held by Chicago & Southern Airlines, Inc., are consistent with the public interest.

[1] See Title 43, Chapter I, Appendix, PLO 856, *supra*.

For further details of the issues involved in this proceeding the parties are referred to the various orders entered in this proceeding and the Examiner's prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before August 11, 1952, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., July 22, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8160; Filed, July 24, 1952; 8:53 a. m.]

[Docket No. SR-6-427]

ROBIN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of C. F. Horne, Administrator of Civil Aeronautics, complainant, *v.* Robin Airlines, Inc., d/b/a North Continent Airlines, respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that upon request of Respondent oral argument in the above entitled proceeding now assigned to be held July 29, 1952, is reassigned to be held on September 4, 1952, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

The order of appearances and time allotments will be as stated in the notice of July 11, 1952.

Dated at Washington, D. C., July 21, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8159; Filed, July 24, 1952; 8:52 a. m.]

[Serial No. E-6619; Docket No. 1705 et al., Consolidated]

AIR FREIGHT RATE INVESTIGATION; DIRECTIONAL RATES

ORDER TO SHOW CAUSE

In the matter of rates and charges for the transportation of freight by air established, demanded, and charged by certificated and non-certificated air carriers, known as air freight rate investigation; directional rates.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of July 1952.

The Board having considered all of the information and data set forth, or specifically referred to, in the Statement of Tentative Findings and Conclusions, together with the Appendices attached thereto, dated July 21, 1952 (hereinafter referred to as the "Statement"), which Statement is attached hereto and made a part hereof,[1] and having on the basis thereof made the tentative findings and conclusions set forth in the Statement; *It is ordered*, That:

1. All interested parties show cause on or before August 5, 1952 why the Board should not make final the findings and conclusions set forth in the attached Statement and on the basis thereof indefinitely extend the directional rates authorized under Orders Serial Nos. E-4048, E-4890, and E-5648;

2. Unless objections to the attached Statement and this order with supporting reasons are filed within 15 days from the date of this order, all parties will be deemed to have waived all further procedural steps herein and the Board will without further notice enter an order making final the findings and conclusions in the Statement and extending said directional rates until further order of the Board;

3. Copies of this statement and order be served on all parties to this proceeding;

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-8161; Filed, July 24, 1952; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1236]

LAKE SHORE PIPE LINE CO.

NOTICE OF PETITION

JULY 21, 1952.

Take notice that on July 11, 1952, Lake Shore Pipe Line Company (Petitioner), an Ohio corporation with its principal place of business at Cleveland, Ohio, filed a petition, pursuant to section 16 of the Natural Gas Act, for an amendment of Finding (9) and of paragraph (A) (vi) of the Commission's order issued February 15, 1951 (accompanying Opinion No. 205), granting a certificate of public convenience and necessity to Petitioner.

Finding (9) of said order provides:

> The public convenience and necessity require and it is reasonable that Lake Shore Pipe Line Company shall submit at least 60 days prior to the commencement of operations rate schedules and service agreements in a form satisfactory to the Commission for the transportation and sale of natural gas, which shall provide rates for firm service which will produce charges not in excess of those which would result from a demand charge of $3.00 per Mcf per month and a commodity charge of 19.4 cents per Mcf.

Paragraph (A) (vi) orders Petitioner to submit rate schedules and service agreements within the time and rates specified in said Finding (9).

Petitioner states that such rates were based upon a cost of service set forth on page 13 of the mimeographed edition of Opinion No. 205 and which included $716,400 as "Purchased Gas Cost," computed on the assumption that Tennessee Gas Transmission Company (Petitioner's sole supplier) would have rates on file for such service providing a demand charge of $2.40 per Mcf per month and a commodity charge of 15.2 cents per Mcf. Tennessee's presently effective rates as related to Lake Shore Pipe Line Company for firm service, Petitioner says, include a demand charge of $2.50 Mcf per month and a commodity charge of 17.6 cents per Mcf. Application of such rates would increase the cost of service during the first year of operation by $82,658, Petitioner avers.

Petitioner accordingly seeks to amend paragraph (A) (vi), as well as Finding (9), of said order in such a way as to provide at least $82,658 of additional revenues for the first year of operation.

Petitioner also seeks to amend the time limited prescribed in said finding and ordering paragraph so as to be permitted to file its rate schedules and service agreements not more than 30 days prior to the commencement of operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1952. The petition to amend is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8144; Filed, July 24, 1952; 8:47 a. m.]

[Docket No. G-1978]

NEWTON COUNTY GAS CO.

NOTICE OF APPLICATION

JULY 21, 1952.

Take notice that Newton County Gas Company (Applicant), a Georgia corporation, address Covington, Georgia, filed on June 20, 1952, an application, and on July 14, 1952, supplemental material to that application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Southern Natural Gas Company (1) to establish physical connection of its natural-gas transmission pipeline facilities near Jonesboro, Georgia, with existing pipeline facilities owned by the Army through which it is proposed that natural gas will be delivered to the Applicant, and (2) to deliver and sell to Applicant an adequate supply of natural gas for resale to the Army at the Atlanta General Depot near Conley, Georgia, and to residents of the Holland Park Housing Project located on the Army reservation.

Service to the Atlanta General Depot is presently rendered by Atlanta Gas Light Company which is in turn served with gas by Southern Natural Gas Company. Applicant states that the Army has attempted to reach agreement with the Atlanta Gas Light Company concerning service of gas to the housing project, but has been unable to do so, and that the Army has stated its in-

[1] Filed as a part of the original document but not published. Copies of the Statement of Tentative Findings and Conclusions together with the Appendices may be obtained from the CAB.

tention to contract with Applicant for the use of the Army-owned pipeline to provide delivery of gas to the Atlanta General Depot and the housing project as soon as a supply of gas can be obtained by the Applicant.

The volume of gas which Applicant requests be withdrawn from service to Atlanta Gas Light Company and sold to it is 700 Mcf per day, in addition to which Applicant wishes service of an additional 500 Mcf of gas to meet its 1952–53 heating season.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8143; Filed, July 24, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND ASSIGNMENT OF WORK, BUSINESS, AND FUNCTIONS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of July A. D. 1952.

The order of June 8, 1942, as amended, Organization of Divisions and Assignment of Work, Business, and Functions, being under consideration:

It is ordered, That the said order, effective this date, be further amended by adding the following:

When a Commissioner ceases to be a member of the Commission, all cases assigned to him as a member of a division, without further order, shall be transferred to his successor on the division.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8151; Filed, July 24, 1952; 8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 4]

RAILROADS SERVING THE STATE OF CALIFORNIA

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the railroads serving the State of California are unable to transport traffic routed over their lines because of earthquakes: *It is ordered*, That:

(a) Rerouting traffic: Railroads serving the State of California unable to transport traffic in accordance with shippers' routing, because of earthquakes, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., July 21, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., August 21, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., July 21, 1952.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52-8152; Filed, July 24, 1952; 8:50 a. m.]

[4th Sec. Application 27239]

MINE RUN SALT FROM POINTS IN LOUISIANA TO ANNISTON, ALA.

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3903.

Commodities involved: Salt, mine run, carloads.

From: Anse La Butte, Avery Island, Carla, Jefferson Island, Weeks and Winnfield, La.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3903, supl. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8102; Filed, July 23, 1952; 8:56 a. m.]

OFFICE OF DEFENSE MOBILIZATION

SHIPBUILDING INDUSTRY

NOTICE OF HEARING BEFORE SURPLUS MANPOWER COMMITTEE

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given of a public hearing to be held before a panel of the Surplus Manpower Committee in Room 159, Executive Office Building, Washington, D. C., beginning at 9:30 a. m., d. s. t., August 6, 1952.

The purpose of the hearing is to receive evidence with respect to:

1. The nature and extent of the labor surplus in the shipbuilding industry, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the shipbuilding industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the shipbuilding industry, Defense Manpower Policy No. 4 should be applied to the shipbuilding industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the shipbuilding industry in the event an affirmative finding is made under paragraph three above.

Interested persons may submit statements in writing and may appear and present evidence and oral argument at the hearing, and at the close of the hearing may file briefs with the panel. Upon completion of the hearing the panel will make findings and conclusions and submit its recommendations to the Surplus Manpower Committee.

Persons wishing to be heard or to submit statements or briefs, must notify the Secretary of the Surplus Manpower Committee, Room 106, Executive Office Building, Washington 25, D. C., not later than August 4, 1952. Copies of Defense Manpower Policy No. 4 may be obtained from the Secretary of the Surplus Manpower Committee.

OFFICE OF DEFENSE MOBILIZATION,
SURPLUS MANPOWER COMMITTEE,
ARTHUR S. FLEMMING,
Chairman.

[F. R. Doc. 52-8242; Filed, July 24, 1952; 9:12 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 83, Section 2, Special Order 18, Amdt. 1]

WILLYS-OVERLAND MOTORS, INC.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 18 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Willys-Overland Motors, Inc. Subsequent to the issuance of Special Order 18 the manufacturer introduced a 1952 model automobile which was not a counterpart of any previously produced. The ceiling price at which the manufacturer may sell this new automobile has been established under section 10 of Ceiling Price Regulation 1, Revision 1. This amendment is, accordingly, issued to establish sellers' prices which will reflect costs to dealers on the automobile and markup thereon.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 18 is hereby issued.

1. The basic price as defined in Ceiling Price Regulation 83, section 2, which retail and wholesale sellers will use in determining the ceiling price of the 1952 model automobile manufactured by Willys-Overland Motors, Inc. is as follows:

PASSENGER AUTOMOBILES

685 Hard Top Convertible Coupe.. $2,040.00

Effective date. This amendment 1 to Special Order 18 shall become effective July 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8223; Filed, July 23, 1952; 11:47 a. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 5]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles manufactured by the Kaiser-Frazer Corporation. Subsequent to the issuance of Special Order 16 the manufacturer's prices to dealers were increased following an increase in wholesale ceiling prices pursuant to Ceiling Price Regulation 1, Revision 1, Supplementary Regulation 1. This order is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and markup thereon, and is applicable to 1952 models of Kaiser passenger automobiles manufactured by Kaiser-Frazer Corporation.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83 this amendment is hereby issued.

1. The charges for factory installed extra, special or optional equipment which wholesalers and retail sellers will use in determining the ceiling prices of 1952 Kaiser automobiles manufactured by the Kaiser-Frazer Corporation and sold at a price which reflects the increase granted in Letter Order L-5 is as follows:

KAISER AUTOMOBILES

Hydramatic Transmission (all Kaisers) $165.00

Effective date. This amendment to Special Order 16 shall become effective July 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8222; Filed, July 23, 1952; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP. ET AL.

ORDER RELEASING JURISDICTION OVER FEES

JULY 21, 1952.

The Commission on July 27, 1948 having issued its order approving a plan of liquidation of Federal Water and Gas Corporation ("Federal"), filed pursuant to section 11 (e) subject to conditions reserving jurisdiction to consider (1) claims asserted against Federal by New York Water Service Corporation, and (2) the reasonableness of all fees and expenses in connection with the Plan;

The Commission on September 18, 1951 having issued its order approving a plan to effect completion of the liquidation of Federal, said order specifically providing that jurisdiction be reserved with respect to the allowance of fees and expenses pertaining to Federal's liquidation;

Applications having been filed for the payment of fees and reimbursement of expenses by the following applicants:

	Fee	Expenses	Total
Hughes, Hubbard and Reed, counsel for Federal	$70,000	$2,408.00	[1] $72,408.00
Common stockholders committee:			
Percival E. Jackson, counsel	55,000	.....	55,000.00
John Todd, Jr., and Norman L. Lyman, members	1,500	.....	1,500.00
Expenses	.....	4,042.20	4,042.20
	126,500	6,450.20	132,950.20

[1] $24,000 of the fee and $1,418 of expenses have already been paid by Federal.

It appearing to the Commission that the amounts requested for fees and expenses as specified above are not unreasonable and that they relate to necessary services.

It is ordered, That Federal be, and hereby is, directed to make such payments in respect of fees, and the reimbursement of expenses of said applicants in the amount set forth above which have not been previously paid.

It is further ordered, That the reservations of jurisdiction contained in our orders of July 27, 1948, and September 18, 1951, with respect to the reasonableness of all fees and expenses in connection with the plans of liquidation of Federal be, and the same hereby are, released, but only to the extent of the payments hereby ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8146; Filed, July 24, 1952; 8:48 a. m.]

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER EXTENDING TIME TO MODIFY PLAN

JULY 21, 1952.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, Dempseytown Gas Company, Alum Rock Gas Company, Penn-Western Service Corporation, Applicants, File No. 54-177; Pennsylvania Gas & Electric Corporation, and its subsidiary companies, Respondents, File No. 59-91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the dissolution of Penn Corp;

The Commission having issued its findings and opinion dated June 5, 1952, concluding that the aforesaid plan may be approved if within 30 days or such additional time as may be granted upon a proper showing the aforesaid plan is modified in accordance with the views expressed in said findings and opinion;

Penn Corp, in a letter of July 10, 1952, having requested, in view of the nature of the issues presented, an extension of the period in which it may modify the plan;

The Commission having considered Penn Corp's request and having concluded that an extension of time may appropriately be granted;

It is ordered, That the time within which an amendment may be filed to modify the aforesaid plan in accordance with the views expressed in said findings and opinion dated June 5, 1952, be and hereby is extended to August 8, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8147; Filed, July 24, 1952; 8:49 a. m.]

[File No. 55-94]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING APPLICATION FOR APPROVAL OF MAXIMUM INTERIM COMPENSATION TO OLIVER R. WAITE

JULY 21, 1952.

Oliver R. Waite of Brickley, Sears & Cole, 1 Federal Street, Boston, Massachusetts, having filed with this Commission an application pursuant to Rule U-63 promulgated under section 11 (f) of the Public Utility Holding Company Act of 1935 ("the act") for approval of $10,000 as the maximum amount for which application may be made to the United States District Court for the District of Massachusetts as interim compensation for his services rendered as counsel to Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, for the period from January 28, 1950 to March 31, 1951 inclusive, under circumstances as follows:

The applicant has been employed since May 19, 1947 as counsel to assist the Trustee in connection with proceedings pursuant to section 11 (d) of the act for the liquidation and dissolution of IHES. Pursuant to prior orders of the Commission and the Court he has received compensation for his services to January 28, 1950. During the period covered by the instant application he rendered legal services in connection with Parts II and III of the Trustee's Second Plan and ancillary matters.

Such application having been duly filed, and notice thereof having been duly published stating that any interested person might, not later than July 17, 1952, request a hearing thereon; and no request for a hearing having been received, and the Commission not having ordered a hearing thereon; and

It appearing to the Commission that $10,000 is reasonable as the maximum amount for which application may be made to the Court as compensation for the aforesaid services:

It is ordered, That said application be and the same hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8145; Filed, July 24, 1952; 8:47 a. m.]

[File No. 70-2647]

ELECTRIC ENERGY, INC., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JULY 21, 1952.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri; File No. 70-2647.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company, and Electric Energy, Inc. ("Electric Energy"), a public utility subsidiary of Middle South and Union Electric, having filed a joint application-declaration and amendments thereto, pursuant to sections 6, 7 and 12 of the act regarding (i) the issuance and sale by Electric Energy to two insurance companies of a maximum of $100,000,000 principal amount of 3 percent First Mortgage Sinking Fund Bonds, due December 1, 1979, and (ii) the execution by all the applicants-declarants of certain contracts; and

The Commission having by order dated June 26, 1951, granted the amended application and permitted the amended declaration to become effective, subject to a reservation of jurisdiction over all fees and expenses to be incurred in connection with the proposed transactions; and

The record having been completed with respect to the fees and expenses which are estimated as follows:

Federal stamp taxes	$95,150.00
Fees charged by Illinois Commerce Commission	100,000.00
Recording and filing fees	500.00
Counsel for Electric Energy:	
Cahill, Gordon, Zachry & Reindel:	
Fees	50,000.00
Expenses	1,819.57
Mayer, Meyer, Austrian & Platt:	
Fees	8,000.00
Expenses	628.38
Ogden, Galphin & Obell:	
Fees	3,000.00
Expenses	150.00
Legal fees and expenses of counsel for the purchasers to be paid by Electric Energy: Wilkie, Owen, Farr, Gallagher & Walton:	
Fees	40,000.00
Expenses	702.48
Fees of trustee under mortgage: St. Louis Union Trust Co.	3,500.00
Printing of documents including mortgage, bond purchase agreements and bonds	8,000.00
Miscellaneous expenses	1,000.00
Total	312,450.43

The Commission having examined the record as so completed and it appearing to the Commission that the fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved with respect to the fees and expenses be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses herein be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8148; Filed, July 24, 1952; 8:49 a. m.]

[File No. 70-2856]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING PROPOSED ISSUANCE OF SECURITIES BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT HOLDING COMPANIES

JULY 21, 1952.

In the matter of The Columbia Gas System, Inc., Atlantic Seaboard Corporation, Amere Gas Utilities Company, Virginia Gas Distribution Corporation, Virginia Gas Transmission Corporation; File No. 70-2856.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, its subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, and Amere Gas Utilities Company ("Amere"), Virginia Gas Distribution Corporation ("Distribution"), and Virginia Gas Transmission Corporation ("Transmission"), subsidiaries of Seaboard, having filed a joint application-declaration, and amendments thereto, with the Commission pursuant to sections 6 (b), 7, 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Seaboard will amend its Certificate of Incorporation to increase its authorized capital from 800,000 shares of common stock, $25 par value, to 1,000,000 shares of common stock, $25 par value.

Seaboard proposes to issue and sell and Columbia proposes to purchase, at par, up to 160,000 shares of Seaboard's common stock, $25 par value, and $4,000,000 principal amount of 3⅝ percent Installment Promissory Notes. Of the $8,000,000 proceeds to be realized therefrom, Seaboard will use $6,350,000 in connection with its 1952 construction program, and will use the balance of $1,650,000 to purchase, at par, 18,000 shares of Amere's $25 par value common stock and $450,000 principal amount of Amere's 3⅝ percent Installment Promissory Notes; 10,000 shares of Distribution's $25 par value common stock and $250,000 principal amount of Distribution's 3⅝ percent Installment Promissory Notes; and 10,000 shares of Transmission's $25 par value common stock. The Notes to be issued by Seaboard, Amere and Distribution are to be paid in equal annual installments on February 15 of each of the years 1954 through 1978. The proceeds of $900,000 to be realized by Amere, of $500,000 by Distribution, and of $250,000 by Transmission, from the sales of said securities to Seaboard, will be used to finance their 1952 construction programs. None of the proposed transactions will be consummated after March 31, 1953.

Applicants-declarants state that if the dissolution of Transmission and the sale of Amere and Distribution to Columbia are carried out as proposed in the joint

application-declaration now pending before the Commission (File No. 70-2788) the new cash requirements of Seaboard will be $1,300,000 less and the amount borrowed on Installment Notes will be reduced to $2,700,000.

The State Corporation Commission of Virginia having expressly authorized the proposed issuance and sale of common stock and Notes by Distribution and the proposed issuance and sale of common stock by Transmission, and the Public Service Commission of West Virginia having expressly authorized the proposed issuance and sale of common stock and Notes by Amere; and

Due notice having been given of the filing of the joint application-declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8149; Filed, July 24, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CATERINA BEVILACQUA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Caterina Bevilacqua, Trapani, Italy; Claim No. 39944; $6,889.82 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Caterina Bevilacqua, in and to the Estate of Ignazio Bevilacqua, also known as E. Beveacqua, and Egnazio Beveacqua, deceased.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8162; Filed, July 24, 1952; 8:54 a. m.]

JOHANNES SORENSEN MOLLERHOJ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Johannes Sorensen Mollerhoj, Charlottenlund, Denmark; Claim No. 36649; property described in Vesting Order No. 290 (7 F. R. 8933, November 26, 1942) relating to Patent Application Serial No. 329,542 and in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,290,698.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8163; Filed, July 24, 1952; 8:54 a. m.]

GUISEPPE LA MORTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Guiseppe La Morte, Bella, Italy; Claim No. 40153; $395.72 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Guiseppe La Morte in and to the Estate of Carmine La Morte, deceased.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8164; Filed, July 24, 1952; 8:54 a. m.]

MRS. ANDREE WARNOD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Mrs. Andree Warnod, nee Cahen, 60, rue Caulaincourt, Paris, France, Claim No. 41374; Mrs. Helene Jourdan, nee Morhange-Moreau, 14, Avenue de Verzy, Villa des Ternes, Paris, France, Claim No. 41375; Mrs. Caroline Alice Charpentier, nee Morhange, 2, Avenue Peterhof, 45, rue Guersant, Paris, France, Claim No. 41376; Mrs. Henriette (Juliette) Mognard, 61, rue Danton, Levallois-Perret (Seine), France, Claim No. 41377; Mr. Gaston Alexandre Berr-Mognard, 40, rue Philibert Delorme, Paris, France, Claim No. 41378; in the Treasury of the United States the following amounts: $152.09 to Mrs. Andree Warnod, nee Cahen, Mrs. Helene Jourdan, nee Morhange-Moreau, and Mrs. Caroline Alice Charpentier, nee Morhange, each; $608.33 to Mrs. Henriette (Juliette) Mognard; and $1,216.66 to Mr. Gaston Alexandre Berr-Mognard.

An undivided fifteen-sixteenth interest in all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including, but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the play "Le Train pour Venise" (The Train for Venice) as listed in Exhibit A to Vesting Order No. 3430, effective May 3, 1944 (9 F. R. 13768, November 17, 1944), to the extent owned by the claimants in the proportions set forth below, as heirs of Georges Berr, immediately prior to the vesting thereof by Vesting Order No. 3430: One-sixteenth, undivided interest, each, owned by Mrs. Warnod, Mrs. Jourdan, and Mrs. Caroline Alice Charpentier; One-quarter undivided interest owned by Mrs. Henriette (Juliette) Mognard; and One-half undivided interest owned by Mr. Berr-Mognard.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8165; Filed, July 24, 1952; 8:55 a. m.]

INA MAY KUMAGAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ina May Kumagai, 834 Yoyogi Honmachi, Shibuya Ku, Tokyo, Japan; Claim No. 41094; $3,975.25 in the Treasury of the United States.

Executed at Washington, D. C., on July 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8166; Filed, July 24, 1952; 8:55 a. m.]

CHIEKO TOMODA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Chieko Tomoda, also known as Chieko Samura, 69 Matsuhama-cho, Ashiya, Hyogo-ken, Japan; Claim No. 37697; $13,300.00 in the Treasury of the United States. Certificate Nos. 23 and 24 for 350 shares each of $10.00 par value common capital stock of K. Samura Shoten, Ltd., presently in the custody of the Federal Reserve Bank of New York, New York.

Executed at Washington, D. C., on July 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8167; Filed, July 24, 1952; 8:55 a. m.]

[Bar Order 13]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Orders Nos. 9788 and 10254, January 2, 1953, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General or the Philippine Alien Property Administrator between January 1, 1951, and June 30, 1951, inclusive, and for whom no earlier bar date has been fixed by the Attorney General or the Philippine Alien Property Administrator.

Executed at Washington, D. C., this 21st day of July 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8168; Filed, July 24, 1952; 8:55 a. m.]